LANCE R. LEFLEUR
DIRECTOR

ROBERT J. BENTLEY
GOVERNOR

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

SEP 2 4 2014

Richard A. Donnelly
President & Chief Operating Officer
Jim Walter Resources, Inc.
16243 Highway 216
Brookwood, AL 35444

RE: Draft Permit
Mine No. 4
NPDES Permit No. AL0026590
Tuscaloosa County (125)

Dear Mr. Donnelly:

Transmitted herein is a draft of the above referenced permit. Please review the enclosed draft permit carefully. This draft permit may contain additions/revisions to language in your current permit. Please submit any comments on the draft permit to the Department within 30 days from the date of receipt of this letter.

Since the Department has made a tentative decision to reissue and modify the above referenced permit, ADEM Admin. Code r. 335-6-6-.21 requires a public notice of the draft permit in a local newspaper followed by a period of at least 30 days for public comment before the permit can be reissued.

The United States Environmental Protection Agency will also receive the draft permit for review during the 30-day public comment period.

Any mining, processing, construction, land disturbance, or other regulated activity proposed to be authorized by this draft permit is prohibited prior to the effective date of the formal permit. Any mining or processing activity within the drainage basin associated with each permitted outfall which is conducted prior to Departmental receipt of certification from a professional engineer licensed to practice in the State of Alabama, that the Pollution Abatement/Prevention Plan was implemented according to the design plan, or notification from the Alabama Surface Mining Commission that the sediment control structures have been certified, is prohibited.

The Alabama Department of Environmental Management encourages you to voluntarily consider pollution prevention practices and alternatives at your facility. Pollution Prevention may assist you in complying with effluent limitations, and possibly reduce or eliminate monitoring requirements.

Should you have any questions concerning this matter, please contact Chase Gamble by email at mcgamble@adem.state.al.us or by phone at (334) 270-5622.

Sincerely,

Catherine A. McNeill, Chief
Mining and Natural Resource Section
Stormwater Management Branch
Water Division

CAM/mcg File: DPER/6798

Enclosure

cc: Chase Gamble, ADEM
Environmental Protection Agency Region IV
Alabama Department of Conservation and Natural Resources
U.S. Fish and Wildlife Service
Alabama Historical Commission
Advisory Council on Historic Preservation
Alabama Surface Mining Commission

Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM INDIVIDUAL PERMIT

PERMITTEE: Jim Walter Resources, Inc.
16243 Highway 216
Brookwood, Alabama 35444

FACILITY LOCATION: Mine No. 4
14730 Lock 17 Road
Brookwood, Alabama 35444
Tuscaloosa County
T19S, R7W, Sections 19, 29 & 31
T19S, R8W, Sections 5, 6, 9, 18, 24, 25, 26, 27, 35 & 36
T20S, R7W, Section 6
T20S, R8W, Sections 1, 2, 3, 8, 9, 11, 12 & 16

PERMIT NUMBER: AL0026590

DSN	RECEIVING STREAM
001-1	Unnamed tributary to Bluff Creek
003-1	Unnamed tributary to Bluff Creek
005-1	Unnamed tributary to Bluff Creek
007-1	Unnamed tributary to Horn Creek
009-1	Unnamed tributary to Horn Creek
011-1	Unnamed tributary to Bluff Creek
013-1	Unnamed tributary to Bluff Creek
015-1	Cane Creek
017-1	Cane Creek
019-1	Unnamed tributary to Black Branch
021-1	Unnamed tributary to Bluff Creek
023-1	Unnamed tributary to Black Warrior River
025-1	Unnamed tributary to Hurricane Creek
027-1	Black Warrior River
029-1	Unnamed tributary to Black Warrior River
031-1	Unnamed tributary to Davis Creek
033-1	Unnamed tributary to Black Warrior River
035-1	Cane Creek
037-1	Black Branch

DSN	RECEIVING STREAM
002-1	Unnamed tributary to Bluff Creek
004-1	Unnamed tributary to Bluff Creek
006-1	Unnamed tributary to Black Branch
008-1	Unnamed tributary to Horn Creek
010-1	Unnamed tributary to Daniel Creek
012-1	Unnamed tributary to Horn Creek
014-1	Oswalt Creek
016-1	Unnamed tributary to Black Branch
018-1	Unnamed tributary to Horn Creek
020-1	Unnamed tributary to Bluff Creek
022-1	Unnamed tributary to Bluff Creek
024-1	Unnamed tributary to Daniel Creek
026-1	Black Warrior River
028-1	Black Warrior River
030-1	Unnamed tributary to Davis Creek
032-1	Unnamed tributary to Oswalt Creek
034-1	Cane Creek
036-1	Unnamed tributary to Cane Creek
038-1	Unnamed tributary to Black Branch

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, ***Code of Alabama 1975****, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended,* ***Code of Alabama 1975****, §§22-22A-1 to 22-22A-16, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.*

ISSUANCE DATE:
EFFECTIVE DATE:
EXPIRATION DATE:

**** DRAFT ****

Alabama Department of Environmental Management

MINING AND NATURAL RESOURCE SECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

TABLE OF CONTENTS

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. Active Mining Limitations and Monitoring Requirements

a. Outfalls 001-1, 013-1, 015-1, 017-1, 030-1, 031-1, and 033-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 001-1, 013-1, 015-1, 017-1, 030-1, 031-1, and 033-1,** which are identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[1]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
pH [2] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	35.0 mg/L	70.0 mg/L	Grab	2/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Manganese, Total (As Mn) [3] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [4] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [5] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Ceriodaphnia Chronic [6] 61426	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [5] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Chronic [6] 61428	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[1] See Part I.C.2. for further measurement frequency requirements.
[2] See Part IV.D. for pH Exemption Discharge Limitations.
[3] See Part IV.E. for Manganese Exemption Discharge Limitations.
[4] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[5] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.
[6] See Part IV.G. for Effluent Toxicity Limitations and Biomonitoring Requirements for Chronic Toxicity.

b. Outfalls 002-1 and 021-1 through 023-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 002-1 and 021-1 through 023-1,** which are identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[7]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
pH [8] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	35.0 mg/L	70.0 mg/L	Grab	2/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Manganese, Total (As Mn) [9] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Nickel, Dissolved (As Ni) 01065	-------	93.4 µg/L	841.6 µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [10] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [11] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [11] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[7] See Part I.C.2. for further measurement frequency requirements.
[8] See Part IV.D. for pH Exemption Discharge Limitations.
[9] See Part IV.E. for Manganese Exemption Discharge Limitations.
[10] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[11] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.

c. Outfalls 003-1 through 006-1, 011-1, 016-1, 019-1, 020-1, and 026-1 through 028-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 003-1 through 006-1, 011-1, 016-1, 019-1, 020-1, and 026-1 through 028-1,** which are identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[12]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
pH [13] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	35.0 mg/L	70.0 mg/L	Grab	2/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Manganese, Total (As Mn) [14] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [15] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [16] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [16] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[12] See Part I.C.2. for further measurement frequency requirements.
[13] See Part IV.D. for pH Exemption Discharge Limitations.
[14] See Part IV.E. for Manganese Exemption Discharge Limitations.
[15] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[16] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.

d. Outfall 007-1 and 014-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 007-1 and 014-1,** which are identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[17]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
pH [18] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Copper, Dissolved (As Cu) 01040	-------	11.4 µg/L	17.5 µg/L	Grab	1/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Manganese, Total (As Mn) [19] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [20] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [21] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [21] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[17] See Part I.C.2. for further measurement frequency requirements.
[18] See Part IV.D. for pH Exemption Discharge Limitations.
[19] See Part IV.E. for Manganese Exemption Discharge Limitations.
[20] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[21] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.

e. Outfalls 008-1, 009-1, and 012-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 008-1, 009-1, and 012-1,** which are identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[22]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
pH [23] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Manganese, Total (As Mn) [24] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [25] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [26] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [26] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[22] See Part I.C.2. for further measurement frequency requirements.
[23] See Part IV.D. for pH Exemption Discharge Limitations.
[24] See Part IV.E. for Manganese Exemption Discharge Limitations.
[25] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[26] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.

f. Outfall 010-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 010-1,** which is identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfall has been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[27]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
pH [28] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Manganese, Total (As Mn) [29] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [30] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [31] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Ceriodaphnia Chronic [32] 61426	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [31] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Chronic [32] 61428	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	2/Month

[27] See Part I.C.2. for further measurement frequency requirements.
[28] See Part IV.D. for pH Exemption Discharge Limitations.
[29] See Part IV.E. for Manganese Exemption Discharge Limitations.
[30] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[31] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.
[32] See Part IV.G. for Effluent Toxicity Limitations and Biomonitoring Requirements for Chronic Toxicity.

g. Outfall 018-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 018-1,** which is identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfall has been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[33]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
pH [34] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Manganese, Total (As Mn) [35] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [36] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [37] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Ceriodaphnia Chronic [38] 61426	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [37] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Chronic [38] 61428	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[33] See Part I.C.2. for further measurement frequency requirements.
[34] See Part IV.D. for pH Exemption Discharge Limitations.
[35] See Part IV.E. for Manganese Exemption Discharge Limitations.
[36] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[37] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.
[38] See Part IV.G. for Effluent Toxicity Limitations and Biomonitoring Requirements for Chronic Toxicity.

h. Outfall 024-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 024-1,** which is identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfall has been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[39]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
pH [40] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Manganese, Total (As Mn) [41] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Nickel, Dissolved (As Ni) 01065	-------	93.4 µg/L	841.6 µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [42] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [43] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [43] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	2/Month

[39] See Part I.C.2. for further measurement frequency requirements.
[40] See Part IV.D. for pH Exemption Discharge Limitations.
[41] See Part IV.E. for Manganese Exemption Discharge Limitations.
[42] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[43] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.

i. Outfall 025-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 025-1,** which is identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfall has been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[44]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
pH [45] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Manganese, Total (As Mn) [46] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Nickel, Dissolved (As Ni) 01065	-------	66.1 µg/L	595.9 µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [47] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [48] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Ceriodaphnia Chronic [49] 61426	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [48] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Chronic [49] 61428	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[44] See Part I.C.2. for further measurement frequency requirements.
[45] See Part IV.D. for pH Exemption Discharge Limitations.
[46] See Part IV.E. for Manganese Exemption Discharge Limitations.
[47] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[48] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.
[49] See Part IV.G. for Effluent Toxicity Limitations and Biomonitoring Requirements for Chronic Toxicity.

j. Outfalls 029-1 and 034-1 through 038-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 029-1 and 034-1 through 038-1,** which are identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[50]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
pH [51] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	35.0 mg/L	70.0 mg/L	Grab	2/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Manganese, Total (As Mn) [52] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Nickel, Dissolved (As Ni) 01065	-------	93.4 µg/L	841.6 µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [53] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [54] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Ceriodaphnia Chronic [55] 61426	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [54] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Chronic [55] 61428	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[50] See Part I.C.2. for further measurement frequency requirements.
[51] See Part IV.D. for pH Exemption Discharge Limitations.
[52] See Part IV.E. for Manganese Exemption Discharge Limitations.
[53] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[54] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.
[55] See Part IV.G. for Effluent Toxicity Limitations and Biomonitoring Requirements for Chronic Toxicity.

k. Outfall 032-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 032-1,** which is identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfall has been constructed and certified. Except as provided in Parts I.A.2. and 3., such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[56]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
pH [57] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Copper, Dissolved (As Cu) 01040	-------	11.4 µg/L	17.5 µg/L	Grab	1/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Manganese, Total (As Mn) [58] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [59] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute [60] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Ceriodaphnia Chronic [61] 61426	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute [60] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Chronic [61] 61428	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[56] See Part I.C.2. for further measurement frequency requirements.
[57] See Part IV.D. for pH Exemption Discharge Limitations.
[58] See Part IV.E. for Manganese Exemption Discharge Limitations.
[59] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[60] See Part IV.F. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.
[61] See Part IV.G. for Effluent Toxicity Limitations and Biomonitoring Requirements for Chronic Toxicity.

2. Precipitation Exemption Limitations and Monitoring Requirements[62]

a. Outfalls 001-1, 013-1, 015-1, 017-1, 030-1, 031-1, and 033-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 001-1, 013-1, 015-1, 017-1, 030-1, 031-1, and 033-1**, which are described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [63]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Settleable [64] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Iron, Total (As Fe) [65] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [66] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

62 See Part IV.B. for Precipitation Event Discharge Limitations.
63 See Part I.C.2. for further measurement frequency requirements.
64 The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
65 The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
66 Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

b. Outfalls 002-1 and 021-1 through 023-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 002-1 and 021-1 through 023-1**, which are described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [67]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Settleable [68] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Iron, Total (As Fe) [69] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Nickel, Dissolved (As Ni) 01065	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [70] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[67] See Part I.C.2. for further measurement frequency requirements.
[68] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[69] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[70] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

c. Outfalls 003-1 through 006-1, 011-1, 016-1, 019-1, 020-1, and 026-1 through 028-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 003-1 through 006-1, 011-1, 016-1, 019-1, 020-1, and 026-1 through 028-1**, which are described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [71]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Settleable [72] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Iron, Total (As Fe) [73] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [74] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[71] See Part I.C.2. for further measurement frequency requirements.
[72] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[73] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[74] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

d. Outfalls 007-1 and 014-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 007-1 and 014-1**, which are described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [75]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable [76] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Copper, Dissolved (As Cu) 01040	-------	Report µg/L	Report µg/L	Grab	1/Month
Iron, Total (As Fe) [77] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [78] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[75] See Part I.C.2. for further measurement frequency requirements.
[76] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[77] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[78] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

e. Outfalls 008-1, 009-1, and 012-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 008-1, 009-1, and 012-1**, which are described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [79]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable [80] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Iron, Total (As Fe) [81] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [82] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[79] See Part I.C.2. for further measurement frequency requirements.
[80] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[81] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[82] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

f. Outfall 010-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 010-1**, which is described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [83]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable [84] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Iron, Total (As Fe) [85] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant [86] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	2/Month

[83] See Part I.C.2. for further measurement frequency requirements.
[84] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[85] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[86] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

g. Outfall 018-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 018-1**, which is described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [87]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable [88] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Iron, Total (As Fe) [89] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [90] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[87] See Part I.C.2. for further measurement frequency requirements.
[88] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[89] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[90] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

h. Outfall 024-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 024-1**, which is described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [91]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable [92] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Iron, Total (As Fe) [93] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Nickel, Dissolved (As Ni) 01065	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [94] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	2/Month

[91] See Part I.C.2. for further measurement frequency requirements.
[92] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[93] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[94] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

i. Outfall 025-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 025-1**, which is described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [95]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable [96] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Iron, Total (As Fe) [97] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Nickel, Dissolved (As Ni) 01065	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [98] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[95] See Part I.C.2. for further measurement frequency requirements.
[96] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[97] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[98] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

j. Outfalls 029-1 and 034-1 through 038-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 029-1 and 034-1 through 038-1**, which are described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [99]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Settleable [100] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Iron, Total (As Fe) [101] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Nickel, Dissolved (As Ni) 01065	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [102] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[99] See Part I.C.2. for further measurement frequency requirements.
[100] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[101] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[102] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

k. Outfall 032-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 032-1**, which is described more fully in the Permittee's application. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.B., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency [103]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable [104] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Copper, Dissolved (As Cu) 01040	-------	Report µg/L	Report µg/L	Grab	1/Month
Iron, Total (As Fe) [105] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [106] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[103] See Part I.C.2. for further measurement frequency requirements.
[104] The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
[105] The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
[106] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

3. Post Mining Limitations and Monitoring Requirements[107]

a. Outfalls 001-1, 013-1, 015-1, 017-1, 030-1, 031-1, and 033-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 001-1, 013-1, 015-1, 017-1, 030-1, 031-1, and 033-1**, which are described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[108]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	1/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [109] 50050	-------	Report MGD	Report MGD	Instantaneous	1/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

.

[107] See Part IV.C. for Post-Mining Discharge Limitations.
[108] See Part I.C.2. for further measurement frequency requirements.
[109] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

b. Outfalls 002-1 and 021-1 through 023-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 002-1 and 021-1 through 023-1**, which are described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[110]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	1/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Nickel, Dissolved (As Ni) 01065	-------	93.4 µg/L	841.6 µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [111] 50050	-------	Report MGD	Report MGD	Instantaneous	1/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[110] See Part I.C.2. for further measurement frequency requirements.
[111] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

c. Outfalls 003-1 through 006-1, 011-1, 016-1, 019-1, 020-1, and 026-1 through 028-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 003-1 through 006-1, 011-1, 016-1, 019-1, 020-1, and 026-1 through 028-1,** which are described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[112]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	1/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [113] 50050	-------	Report MGD	Report MGD	Instantaneous	1/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[112] See Part I.C.2. for further measurement frequency requirements.
[113] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

d. Outfalls 007-1 and 014-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 007-1 and 014-1**, which are described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[114]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	1/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Copper, Dissolved (As Cu) 01040	-------	11.4 µg/L	17.5 µg/L	Grab	1/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [115] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[114] See Part I.C.2. for further measurement frequency requirements.
[115] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

e. Outfalls 008-1, 009-1, and 012-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 008-1, 009-1, and 012-1**, which are described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	**Monthly Average**	**Daily Maximum**	**Sample Type**	**Measurement Frequency**[116]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	1/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [117] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[116] See Part I.C.2. for further measurement frequency requirements.
[117] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

f. Outfall 010-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 010-1**, which is described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[118]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	1/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	1/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [119] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Month

[118] See Part I.C.2. for further measurement frequency requirements.
[119] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

g. Outfall 018-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 018-1**, which is described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[120]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	1/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [121] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[120] See Part I.C.2. for further measurement frequency requirements.
[121] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

h. Outfall 024-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 024-1**, which is described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[122]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	1/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	1/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Nickel, Dissolved (As Ni) 01065	-------	93.4 µg/L	841.6 µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [123] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Month

[122] See Part I.C.2. for further measurement frequency requirements.
[123] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

i. Outfall 025-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 025-1**, which is described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[124]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	1/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Nickel, Dissolved (As Ni) 01065	-------	66.1 µg/L	595.9 µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [125] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[124] See Part I.C.2. for further measurement frequency requirements.
[125] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

j. Outfalls 029-1, and 034-1 through 038-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 029-1, and 034-1 through 038-1**, which are described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[126]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	1/Month
Nickel, Dissolved (As Ni) 01065	-------	93.4 µg/L	841.6 µg/L	Grab	1/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [127] 50050	-------	Report MGD	Report MGD	Instantaneous	1/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[126] See Part I.C.2. for further measurement frequency requirements.
[127] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

k. Outfall 032-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 032-1**, which is described more fully in the Permittee's application. For those outfalls which the Department has granted written approval pursuant to Part IV.C., such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[128]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	1/Month
Solids, Total Suspended 00530	-------	14.0 mg/L	28.0 mg/L	Grab	2/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Chromium, Dissolved (As Cr) 01030	-------	Report µg/L	Report µg/L	Grab	1/Month
Copper, Dissolved (As Cu) 01040	-------	11.4 µg/L	17.5 µg/L	Grab	1/Month
Lead, Dissolved (As Pb) 01049	-------	Report µg/L	Report µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant [129] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[128] See Part I.C.2. for further measurement frequency requirements.
[129] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

B. REQUIREMENTS TO ACTIVATE A PROPOSED MINING OUTFALL

1. Discharge from any point source identified on Page 1 of this Permit which is a proposed outfall is not authorized by this Permit until the outfall has been constructed and certification received by the Department from a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed in accordance with plans and specifications approved by the ASMC, if applicable. This requirement shall not apply to pumped discharges from the underground works of underground coal mines where no surface structure is required by the ASMC, provided the Department is notified in writing of the completion or installation of such facilities, and the pumped discharges will meet permit effluent limits without treatment.

2. Certification required by Part I.B.1. shall be submitted on a completed ADEM Form 432. The certification shall include the latitude and longitude of the constructed and certified outfall.

3. Discharge monitoring and Discharge Monitoring Report (DMR) reporting requirements described in Part I.C. of this Permit do not apply to point sources that have not been constructed and certified.

4. Upon submittal of the certification required by Part I.B.1. to the Department, all monitoring and DMR submittal requirements shall apply to the constructed and certified outfall.

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Sampling Schedule and Frequency

a. Except as provided in Parts IV.B. and C., the Permittee shall collect samples of the discharge from each constructed and certified point source identified on Page 1 of this Permit and described more fully in the Permittee's application, at the frequency specified in Part I.A. Analysis of the samples shall be conducted for the parameters specified in Part I.A.

b. For each permitted, constructed, and certified point source which results from direct pumped drainage from the underground works of an underground coal mine or from surface drainage, if the final effluent is pumped in order to discharge (e.g. incised ponds, old highwall cuts, old pit areas or depressions), at least one grab sample from the permitted point source shall be obtained and analyzed each quarterly (three month) monitoring period if a discharge occurs at any time during the quarterly monitoring period.

c. The Permittee may increase the frequency of sampling listed in Parts I.C.1.a and I.C.1.b; however, all sampling results must be reported to the Department and included in any calculated results submitted to the Department in accordance with this Permit.

2. Measurement Frequency

Measurement frequency requirements found in Part I.A. shall mean:

a. A measurement frequency of one day per week shall mean sample collection on any day of discharge which occurs every calendar week.

b. A measurement frequency of two days per month shall mean sample collection on any day of discharge which occurs every other week, but need not exceed two sample days per month.

c. A measurement frequency of one day per month shall mean sample collection on any day of discharge which occurs during each calendar month.

d. A measurement frequency of one day per quarter shall mean sample collection on any day of discharge which occurs during each calendar quarter.

e. A measurement frequency of one day per six months shall mean sample collection on any day of discharge which occurs during the period of January through June and during the period of July through December.

f. A measurement frequency of one day per year shall mean sample collection on any day of discharge which occurs during each calendar year.

3. Monitoring Schedule

The Permittee shall conduct the monitoring required by Part I.A. in accordance with the following schedule:

a. MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be conducted during the first full month following the effective date of coverage under this Permit and every month thereafter. More frequently than monthly and monthly monitoring may be done anytime during the month, unless restricted elsewhere in this Permit, but the results should be reported on the last Discharge Monitoring Report (DMR) due for the quarter (i.e., with the March, June, September, and December DMRs).

b. QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The Permittee shall conduct the quarterly monitoring during the first complete calendar quarter following the effective date of this Permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this Permit, but the results should be reported on the last DMR due for the quarter (i.e., with the March, June, September, and December DMRs).

c. SEMIANNUAL MONITORING shall be conducted at least once during the period of January through June and at least once during the period of July through December. The Permittee shall conduct the semiannual monitoring during the first complete semiannual calendar period following the effective date of this Permit and is then required to monitor once during each semiannual period thereafter. Semiannual monitoring may be done anytime during the semiannual period, unless restricted elsewhere in this Permit, but it should be reported on the last DMR due for the month of the semiannual period (i.e., with the June and December DMRs).

d. ANNUAL MONITORING shall be conducted at least once during the period of January through December. The Permittee shall conduct the annual monitoring during the first complete calendar annual period following the effective date of this Permit and is then required to monitor once during each annual period thereafter. Annual monitoring may be done anytime during the year, unless restricted elsewhere in this Permit, but it should be reported on the December DMR.

4. Sampling Location

Unless restricted elsewhere in this Permit, samples collected to comply with the monitoring requirements specified in Part I.A. shall be collected at the nearest accessible location just prior to discharge and after final treatment, or at an alternate location approved in writing by the Department.

5. Representative Sampling

Sample collection and measurement actions taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this Permit.

6. Test Procedures

For the purpose of reporting and compliance, Permittees shall use one of the following procedures:

a. For parameters with an EPA established Minimum Level (ML), report the measured value if the analytical result is at or above the ML and report "0" for values below the ML. Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136, guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h), and ADEM Standard Operating Procedures. If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this Permit the Permittee shall use the newly approved method.

b. For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the Permittee during permit issuance, reissuance, modification, or during compliance schedule.

In either case the measured value should be reported if the analytical result is at or above the ML and "0" reported for values below the ML.

c. For parameters without an EPA established ML, interim ML, or matrix-specific ML, a report of less than the detection limit shall constitute compliance if the detection limit of all analytical methods is higher than the Permit limit using the most sensitive EPA approved method. For the purpose of calculating a monthly average, "0" shall be used for values reported less than the detection limit.

The Minimum Level utilized for procedures identified in Parts I.C.6.a. and b. shall be reported on the Permittee's DMR. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

7. Recording of Results

For each measurement or sample taken pursuant to the requirements of this Permit, the Permittee shall record the following information:

a. The facility name and location, point source number, date, time, and exact place of sampling or measurements;

b. The name(s) of person(s) who obtained the samples or measurements;

c. The dates and times the analyses were performed;

d. The name(s) of the person(s) who performed the analyses;

e. The analytical techniques or methods used including source of method and method number; and

f. The results of all required analyses.

8. Routine Inspection by Permittee

a. The Permittee shall inspect all point sources identified on Page 1 of this Permit and described more fully in the Permittee's application and all treatment or control facilities or systems used by the Permittee to achieve compliance with the terms and conditions of this Permit at least as often as the applicable sampling frequency specified in Part I.C.1 of this Permit.

b. If required by the Director, the Permittee shall maintain a written log for each point source identified on Page 1 of this Permit and described more fully in the Permittee's application in which the Permittee shall record the following information:

1. The date and time the point source and any associated treatment or control facilities or systems were inspected by the Permittee;

2. Whether there was a discharge from the point source at the time of inspection by the Permittee;

3. Whether a sample of the discharge from the point source was collected at the time of inspection by the Permittee;

4. Whether all associated treatment or control facilities or systems appeared to be in good working order and operating as efficiently as possible, and if not, a description of the problems or deficiencies; and

5. The name and signature of the person performing the inspection of the point source and associated treatment or control facilities or systems.

9. Records Retention and Production

a. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the above reports or the application for this Permit, for a period of at least three (3) years from the date of the sample collection, measurement, report, or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA, AEMA, and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director, the Permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records should not be submitted unless requested.

b. All records required to be kept for a period of three (3) years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

10. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this Permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. The Permittee shall develop and maintain quality assurance procedures to ensure proper operation and maintenance of all equipment and instrumentation. The quality assurance procedures shall include the proper use, maintenance, and installation, when appropriate, of monitoring equipment at the plant site.

D. DISCHARGE REPORTING REQUIREMENTS

1. Requirements for Reporting of Monitoring

a. Monitoring results obtained during the previous three (3) months shall be summarized for each month on a Discharge Monitoring Report (DMR) Form approved by the Department, and submitted to the Department so that it is received by the Director no later than the 28th day of the month following the quarterly reporting period (i.e., on the 28th day of January, April, July, and October of each year).

b. The Department is utilizing a web-based electronic environmental (E2) reporting system for submittal of DMRs. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. If the Permittee is not already participating in the E2 DMR system, **the Permittee must apply for participation in the E2 DMR system within 180 days of the effective date of this permit unless valid justification as to why they cannot participate is submitted in writing. After 180 days, hard copy DMRs may be used only with written approval from the Department.** To participate in the E2 DMR system, the Permittee Participation Package may be downloaded online at https://e2.adem.alabama.gov/npdes. If the electronic environmental (E2) reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the E2 system is down on the 28th day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the E2 system resuming operation, the Permittee shall enter the data into the E2 reporting system unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date). If a permitttee is allowed to submit via the US Postal Service, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this Permit. If the Permittee, using approved analytical methods as specified in Part I.C.6. monitors any discharge from a point source identified on Page 1 of this Permit and describe more fully in the Permittee's application more frequently than required by this Permit; the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form, and the increased frequency shall be indicated on the DMR Form. In the event no discharge from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application occurs during a monitoring period, the Permittee shall report "No Discharge" for such period on the appropriate DMR Form.

c. The Permittee shall report “No Discharge During Quarterly Monitoring Period” on the appropriate DMR Form for each point source receiving pumped discharges pursuant to Part I.C.1.b. provided that no discharge has occurred at any time during the entire quarterly (three month) monitoring period.

d. Each DMR Form submitted by the Permittee to the Department in accordance with Part I.D.1.b. must be legible and bear an original signature or electronic signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this Permit.

e. All reports and forms required to be submitted by this Permit, the AWPCA, and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee as defined in ADEM Admin. Code r. 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Admin. Code r. 335-6-6-.09 and shall bear the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

f. All DMRs, reports and forms required to be submitted by this Permit, the AWPCA and the Department's rules and regulations, shall be addressed to:

> Alabama Department of Environmental Management
> Water Division, Mining and Natural Resource Section
> Post Office Box 301463
> Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

> Alabama Department of Environmental Management
> Water Division, Mining and Natural Resource Section
> 1400 Coliseum Boulevard
> Montgomery, Alabama 36110-2059

g. Unless authorized in writing by the Department, approved reporting forms required by this Permit or the Department are not to be altered, and if copied or reproduced, must be consistent in format and identical in content to the ADEM approved form. Unauthorized alteration, falsification, or use of incorrectly reproduced forms constitutes noncompliance with the requirements of this Permit and may significantly delay processing of any request, result in denial of the request, result in permit termination, revocation, suspension, modification, or denial of a permit renewal application, or result in other enforcement action.

h. If this Permit is a reissuance, then the Permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.D.1.a. and b.

2. Requirements for Outfall Certification Summary Submittal

The Permittee shall submit a summary of outfalls identified on Page 1 of this Permit so that it is received by the Director with the required DMRs no later than the 28th day of the month following the quarterly reporting period (i.e., on the 28th day of January, April, July, and October of each year). This Outfall Certification Summary shall indicate whether each outfall identified on Page 1 of this Permit has been certified and, if so, it shall include the date for each certification as well as the latitude and longitude of the certified outfall. If any outfall identified on Page 1 of this Permit has received written approval from the Department pursuant to Part IV.C. of this Permit stating that the Permittee may utilize the Post-Mining Discharge Limitations specified in Part I.A.3., then the list of outfalls shall include the date of the Post-Mining Discharge Limitations approval. If any outfall identified on Page 1 of this Permit has been released from monitoring requirements as provided in Part I.D.4. of this Permit, then the list of outfalls shall include the date of the monitoring requirement release. The Outfall Certification Summary shall be submitted in a format approved or developed by the Department. This submittal is only required when DMR submittal is required by Part I.B.4.

3. Noncompliance Notification

a. The Permittee must notify the Department if, for any reason, the Permittee's discharge:

(1) Potentially threatens human health or welfare;

(2) Potentially threatens fish or aquatic life;

(3) Causes an in-stream water quality criterion to be exceeded;

(4) Does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. §1317(a);

(5) Contains a quantity of a hazardous substance which has been determined may be harmful to the public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. §1321(b)(4); or

(6) Exceeds any discharge limitation for an effluent parameter as a result of an unanticipated bypass or upset.

The Permittee shall orally or electronically report any of the above occurrences, describing the circumstances and potential effects of such discharge to the Director within 24-hours after the Permittee becomes aware of the occurrence of such discharge. In addition to the oral or electronic report, the Permittee shall submit to the Director a written report as provided in Part I.D.3.c., no later than five (5) days after becoming aware of the occurrence of such discharge.

b. If for any reason, the Permittee's discharge does not comply with any limitation of this Permit, the Permittee shall submit a written report to the Director, as provided in Part I.D.3.c. This report must be submitted with the next Discharge Monitoring Report required to be submitted by Part I.D.1. of this Permit after becoming aware of the occurrence of such noncompliance.

c. Form 401 or Form 421 must be submitted to the Director in accordance with Parts I.D.3.a. and b. The completed form must document the following information:

i. A description of the discharge and cause of noncompliance;

ii. The period of noncompliance, including exact dates, times, and duration of the noncompliance. If not corrected by the due date of the written report, then the Permittee is to state the anticipated timeframe that is expected to transpire before the noncompliance is resolved; and

iii. A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

4. Reduction, Suspension, or Termination of Monitoring and/or Reporting Requirements

a. The Director may, with respect to any point source identified on Page 1 of this Permit and described more fully in the Permittee's application, authorize the Permittee to reduce, suspend, or terminate the monitoring and/or reporting required by this Permit upon the submission of a written request for such reduction, suspension, or termination by the Permittee provided:

(1) All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted or controlled to preclude unpermitted and unauthorized mining, processing, transportation, or associated operations/activity;

(2) Unless waived in writing by the Department, the Permittee has been granted, in writing, a 100% Bond Release, by the Alabama Surface Mining Commission for all areas mined or disturbed in the drainage basin(s) associated with the discharge;

(3) The Permittee has certified to the Director that the 100% Bond Release has been granted by the Alabama Surface Mining Commission for all areas disturbed in the drainage basin(s) associated with the discharge;

(4) All surface effects of the mining activity such as fuel or chemical tanks, preparation plants or equipment, old tools or equipment, junk or debris, etc., must be removed and disposed of according to applicable state and federal regulations;

(5) The Permittee's request for termination of monitoring and reporting requirements contained in this Permit has been supported by monitoring data covering a period of at least six consecutive months or such longer period as is necessary to assure that the data reflect discharges occurring during varying seasonal climatological conditions;

(6) The Permittee has stated in its request that the samples collected and reported in the monitoring data submitted in support of the Permittee's request for monitoring termination or suspension are representative of the discharge and were collected in accordance with all Permit terms and conditions respecting sampling times (e.g., rainfall events) and methods and were analyzed in accordance with all Permit terms and conditions respecting analytical methods and procedures;

(7) The Permittee has certified that during the entire period covered by the monitoring data submitted, no chemical treatment of the discharge was provided;

(8) The Permittee's request has included the certification required by Part I.D.1.d. of this Permit; and

(9) The Permittee has certified to the Director in writing as part of the request, its compliance with (1) through (8) above.

b. It remains the responsibility of the Permittee to comply with the monitoring and reporting requirements of this Permit until written authorization to reduce, suspend, or terminate such monitoring and/or reporting is received by the Permittee from the Director.

E. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The Permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility which may result in noncompliance with permit requirements.

2. Termination of Discharge

The Permittee shall notify the Director, in writing, when all discharges from any point source(s) identified on Page 1 of this Permit and described more fully in the Permittee's application have permanently ceased.

3. Updating Information

a. The Permittee shall inform the Director of any change in the Permittee's mailing address or telephone number or in the Permittee's designation of a facility contact or officer(s) having the authority and responsibility to prevent and abate violations of the AWPCA, the AEMA, the Department's rules and regulations, and the terms and conditions of this Permit, in writing, no later than ten (10) days after such change. Upon request of the Director, the Permittee shall furnish the Director with an update of any information provided in the permit application.

b. If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

4. Duty to Provide Information

a. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, terminating, or revoking and reissuing this Permit, in whole or in part, or to determine compliance with this Permit. The Permittee shall also furnish to the Director upon request, copies of records required to be maintained by this Permit.

b. The Permittee shall furnish to the Director upon request, within a reasonable time, available information (name, phone number, address, and site location) which identifies offsite sources of material or natural resources (mineral, ore, or other material such as iron, coal, coke, dirt, chert, shale, clay, sand, gravel, bauxite, rock, stone, etc.) used in its operation or stored at the facility.

F. SCHEDULE OF COMPLIANCE

The Permittee shall achieve compliance with the discharge limitations specified in Part I.A. of this Permit in accordance with the following schedule:

Compliance must be achieved by the effective date of this Permit.

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Management

The Permittee shall at all times operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of this Permit.

2. Best Management Practices (BMPs)

a. Unless otherwise authorized in writing by the Director, the Permittee shall provide a means of subsurface withdrawal for any discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application. Notwithstanding the above provision, a means of subsurface withdrawal need not be provided for any discharge caused by a 24-hour precipitation event greater than a 10-year, 24-hour precipitation event.

b. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director has granted prior written authorization for dilution to meet water quality requirements.

c. The Permittee shall minimize the contact of water with overburden, including but not limited to stabilizing disturbed areas through grading, diverting runoff, achieving quick growing stands of temporary vegetation, sealing acid-forming and toxic-forming materials, and maximizing placement of waste materials in back-fill areas.

d. The Permittee shall prepare, submit to the Department for approval, and implement a Best Management Practices (BMPs) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a potential for discharge, if so required by the Director. When submitted and approved, the BMP Plan shall become a part of this Permit and all requirements of the BMP Plan shall become requirements of this Permit.

e. Spill Prevention, Control, and Management

The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan acceptable to the Department that is prepared and certified by a Professional Engineer (PE), registered in the State of Alabama, for all onsite petroleum product or other pollutant storage tanks or containers as required by applicable state (ADEM Admin. Code r. 335-6-6-.12 (r)) and federal (40 C.F.R. §§112.1-.7) regulations. The Permittee shall implement appropriate structural and/or non-structural spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a ground or surface water of the State or a publicly or privately owned treatment works. Careful consideration should be applied for tanks or containers located near treatment ponds, water bodies, or high traffic areas. In most situations this would require construction of a containment system if the cumulative storage capacity of petroleum products or other pollutants at the facility is greater than 1320 gallons. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and shall prevent the contamination of

groundwater. Such containment systems shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided. The applicant shall maintain onsite or have readily available flotation booms to contain, and sufficient material to absorb, fuel and chemical spills and leaks. Soil contaminated by chemical spills, oil spills, etc., must be immediately cleaned up or be removed and disposed of in an approved manner.

f. All surface drainage and storm water runoff which originate within or enters the Permittee's premises and which contains any pollutants or other wastes shall be discharged, if at all, from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application.

g. The Permittee shall take all reasonable precautions to prevent any surface drainage or storm water runoff which originates outside the Permittee's premises and which contains any pollutants or other wastes from entering the Permittee's premises. At no time shall the Permittee discharge any such surface drainage or storm water runoff which enters the Permittee's premises if, either alone or in combination with the Permittee's effluent, the discharge would exceed any applicable discharge limitation specified in Part I.A. of this Permit.

3. Biocide Additives

a. The Permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in any cooling or boiler system(s) regulated by this Permit. Notification is not required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer’s data or testing by the Permittee. Such notification shall include:

(1) Name and general composition of biocide or chemical;

(2) 96-hour median tolerance limit data for organisms representative of the biota of the water(s) which the discharge(s) enter(s);

(3) Quantities to be used;

(4) Frequencies of use;

(5) Proposed discharge concentrations; and

(6) EPA registration number, if applicable.

b. The use of any biocide or chemical additive containing tributyl tin, tributyl tin oxide, zinc, chromium, or related compounds in any cooling or boiler system(s) regulated by the Permit is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this Permit or in the application for this Permit or not exempted from notification under this Permit is prohibited, prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive.

4. Facility Identification

The Permittee shall clearly display prior to commencement of any regulated activity and until permit coverage is properly terminated, the name of the Permittee, entire NPDES permit number, facility or site name, and other descriptive information deemed appropriate by the Permittee at an easily accessible location(s) to adequately identify the site, unless approved otherwise in writing by the Department. The Permittee shall repair or replace the sign(s) as necessary upon becoming aware that the identification is missing or is unreadable due to age, vandalism, theft, weather, or other reason(s).

5. Removed Substances

Solids, sludges, filter backwash, or any other pollutants or other wastes removed in the course of treatment or control of wastewaters shall be disposed of in a manner that complies with all applicable Department rules and regulations.

6. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the Permittee shall, where necessary to maintain compliance with the discharge limitations specified in Part I.A. of this Permit or any other terms or conditions of this Permit, cease, reduce, or otherwise control production and/or discharges until treatment is restored.

7. Duty to Mitigate

The Permittee shall promptly take all reasonable steps to minimize or prevent any violation of this Permit or to mitigate and minimize any adverse impact to waters resulting from noncompliance with any discharge limitation specified in Part I.A. of this Permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as is necessary to determine the nature and impact of the noncomplying discharge.

B. BYPASS AND UPSET

1. Bypass

a. Any bypass is prohibited except as provided in Parts II.B.1.b. and c.

b. A bypass is not prohibited if:

(1) It does not cause any applicable discharge limitation specified in Part I.A. of this Permit to be exceeded;

(2) The discharge resulting from such bypass enters the same receiving water as the discharge from the permitted outfall;

(3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; and

(4) The Permittee monitors the discharge resulting from such bypass at a frequency, at least daily, sufficient to prove compliance with the discharge limitations specified in Part I.A. of this Permit.

c. A bypass is not prohibited and need not meet the discharge limitations specified in Part I.A. of this Permit if:

(1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days, if possible, prior to the anticipated bypass or within 24 hours of an unanticipated bypass, the Permittee is granted such authorization, and Permittee complies with any conditions imposed by the Director to minimize any adverse impact to waters resulting from the bypass.

d. The Permittee has the burden of establishing that each of the conditions of Parts II.B.1.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in Part II.B.1.a. and an exemption, where applicable, from the discharge limitations specified in Part I.A. of this Permit.

2. Upset

a. Except as provided in Parts II.B.2.b. and c., a discharge which results from an upset need not meet the applicable discharge limitations specified in Part I.A. of this Permit if:

(1) No later than 24-hours after becoming aware of the occurrence of the upset, the Permittee orally reports the occurrence and circumstances of the upset to the Director; and

(2) No later than five (5) days after becoming aware of the occurrence of the upset, the Permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, design drawings, construction certification, maintenance records, weir flow measurements, dated photographs, rain gauge measurements, or other relevant evidence, demonstrating that:

(i) An upset occurred;

(ii) The Permittee can identify the specific cause(s) of the upset;

(iii) The Permittee's treatment facility was being properly operated at the time of the upset; and

(iv) The Permittee promptly took all reasonable steps to minimize any adverse impact to waters resulting from the upset.

b. Notwithstanding the provisions of Part II.B.2.a., a discharge which is an overflow from a treatment facility or system, or an excess discharge from a point source associated with a treatment facility or system and which results from a 24-hour precipitation event larger than a 10-year, 24-hour precipitation event is not exempted from the discharge limitations specified in Part I.A. of this Permit unless:

(1) The treatment facility or system is designed, constructed, and maintained to contain the maximum volume of wastewater which would be generated by the facility during a 24-hour period without an increase in volume from precipitation and the maximum volume of wastewater resulting from a 10-year,

24-hour precipitation event or to treat the maximum flow associated with these volumes.

In computing the maximum volume of wastewater which would result from a 10-year, 24-hour precipitation event, the volume which would result from all areas contributing runoff to the individual treatment facility must be included (i.e., all runoff that is not diverted from the mining area and runoff which is not diverted from the preparation plant area); and

(2) The Permittee takes all reasonable steps to maintain treatment of the wastewater and minimize the amount of overflow or excess discharge.

c. The Permittee has the burden of establishing that each of the conditions of Parts II.B.2.a. and b. have been met to qualify for an exemption from the discharge limitations specified in Part I.A. of this Permit.

C. PERMIT CONDITIONS AND RESTRICTIONS

1. Prohibition against Discharge from Facilities Not Certified

a. Notwithstanding any other provisions of this Permit, if the permitted facility has not obtained or is not required to obtain a permit from the Alabama Surface Mining Commission, any discharge(s) from any point or nonpoint source(s) from the permitted facility which was not certified to the Department on a form approved by the Department by a professional engineer, registered in the State of Alabama, as being designed, constructed, and in accordance with plans and specifications reviewed by the Department is prohibited; or

b. Notwithstanding any other provisions of this Permit, if the permitted facility has obtained or is required to obtain a permit from the Alabama Surface Mining Commission, any discharge(s) from any point or nonpoint source(s) from the permitted facility which is associated with a treatment facility which was not constructed and certified to the Alabama Surface Mining Commission pursuant to applicable provisions of said Commission's regulations, is prohibited until the Permittee submits to the Alabama Surface Mining Commission, certification by a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed in accordance with plans and specifications approved by the Alabama Surface Mining Commission. This requirement shall not apply to pumped discharges from the underground works of underground coal mines where no surface structure is required by the Alabama Surface Mining Commission, provided the Department is notified in writing of the completion or installation of such facilities, and the pumped discharges will meet permit effluent limits without treatment.

2. Permit Modification, Suspension, Termination, and Revocation

a. This Permit may be modified, suspended, terminated, or revoked and reissued, in whole or in part, during its term for cause, including but not limited to, the following:

(1) The violation of any term or condition of this Permit;

(2) The obtaining of this Permit by misrepresentation or the failure to disclose fully all relevant facts;

(3) The submission of materially false or inaccurate statements or information in the permit application or reports required by the Permit;

(4) The need for a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(5) The existence of any typographical or clerical errors or of any errors in the calculation of discharge limitations;

(6) The existence of material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(7) The threat of the Permittee's discharge on human health or welfare; or

(8) Any other cause allowed by ADEM Admin. Code ch. 335-6-6.

b. The filing of a request by the Permittee for modification, suspension, termination, or revocation and reissuance of this Permit, in whole or in part, does not stay any Permit term or condition of this Permit.

3. Automatic Expiration of Permits for New or Increased Discharges

a. Except as provided by ADEM Admin. Code r. 335-6-6-.02(g) and 335-6-6-.05, if this Permit was issued for a new discharger or new source, it shall expire eighteen months after the issuance date if construction has not begun during that eighteen month period.

b. Except as provided by ADEM Admin. Code r. 335-6-6-.02(g) and 335-6-6-.05, if any portion of this Permit was issued or modified to authorize the discharge of increased quantities of pollutants to accommodate the modification of an existing facility, that portion of this Permit shall expire eighteen months after this Permit's issuance if construction of the modification has not begun within eighteen month period.

c. Construction has begun when the owner or operator has:

(1) Begun, or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

d. The automatic expiration of this Permit for new or increased discharges if construction has not begun within the eighteen month period after the issuance of this Permit may be tolled by administrative or judicial stay.

4. Transfer of Permit

This Permit may not be transferred or the name of the Permittee changed without notice to the Director and subsequent modification or revocation and reissuance of this Permit to identify the new Permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership, or control of the Permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership, or control of the Permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership, or control, he may decide not to modify the existing Permit and require the submission of a new permit application.

5. Groundwater

Unless authorized on page 1 of this Permit, this Permit does not authorize any discharge to groundwater. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem, and the Director may require that the Permittee undertake measures to abate any such discharge and/or contamination.

6. Property and Other Rights

This Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State or of the United States.

D. RESPONSIBILITIES

1. Duty to Comply

a. The Permittee must comply with all terms and conditions of this Permit. Any permit noncompliance constitutes a violation of the AWPCA, AEMA, and the FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification, or denial of a permit renewal application.

b. The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the FWPCA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the effluent standard, prohibition or requirement.

c. For any violation(s) of this Permit, the Permittee is subject to a civil penalty as authorized by the AWPCA, the AEMA, the FWPCA, and Code of Alabama 1975, §§22-22A-1 et. seq., as amended, and/or a criminal penalty as authorized by Code of Alabama 1975, §22-22-1 et. seq., as amended.

d. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of this Permit shall not be a defense for a Permittee in an enforcement action.

e. Nothing in this Permit shall be construed to preclude or negate the Permittee’s responsibility or liability to apply for, obtain, or comply with other ADEM, Federal, State, or local government permits, certifications, licenses, or other approvals.

f. The discharge of a pollutant from a source not specifically identified in the permit application for this Permit and not specifically included in the description of an outfall in this Permit is not authorized and shall constitute noncompliance with this Permit.

g. The Permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this Permit or to minimize or prevent any adverse impact of any permit violation.

2. Change in Discharge

a. The Permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants, increase the quantity of a discharged pollutant, or that could result in an additional discharge point. This requirement also applies to pollutants that are not subject to discharge limitations in this Permit. No new or increased discharge may begin until the Director has authorized it by issuance of a permit modification or a reissued permit.

b. The Permittee shall notify the Director as soon as it knows or has reason to believe that it has begun or expects to begin to discharge any pollutant listed as a toxic pollutant pursuant to Section 307(a) of the FWPCA, 33 U.S.C. §1317(a), any substance designated as a hazardous substance pursuant to Section 311(b)(2) of the FWPCA, 33 U.S.C. §1321(b)(2), any waste listed as a hazardous waste pursuant to Code of Alabama 1975, §22-30-10, or any other pollutants or other wastes which is not subject to any discharge limitations specified in Part I.A. of this Permit and was not reported in the Permittee's application, was reported in the Permittee's application in concentrations or mass rates lower than that which the Permittee expects to begin to be discharged, or has reason to believe has begun to be discharged.

3. Compliance with Toxic or Other Pollutant Effluent Standard or Prohibition

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Sections 301(b)(2)(C),(D),(E) and (F) of the FWPCA, 33 U.S.C. §1311(b)(2)(C),(D),(E), and (F); 304(b)(2) of the FWPCA, 33 U.S.C. §1314(b)(2); or 307(a) of the FWPCA, 33 U.S.C. §1317(a), for a toxic or other pollutant discharged by the Permittee, and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Part I.A. of this Permit or controls a pollutant not limited in Part I.A. of this Permit, this Permit shall be modified to conform to the toxic or other pollutant effluent standard or prohibition and the Permittee shall be notified of such modification. If this Permit has not been modified to conform to the toxic or other pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the authorization to discharge in this Permit shall be void to the extent that any discharge limitation on such pollutant in Part I.A. of this Permit exceeds or is inconsistent with the established toxic or other pollutant effluent standard or prohibition.

4. Compliance with Water Quality Standards and Other Provisions

a. On the basis of the Permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this Permit will assure compliance with applicable water quality standards. However, this Permit does not relieve the Permittee from compliance with applicable State water quality standards established in ADEM Admin. Code ch. 335-6-10, and does not preclude the Department from taking action as appropriate to address the potential for contravention of applicable State water quality standards which could result from discharges of pollutants from the permitted facility.

b. Compliance with Permit terms and conditions notwithstanding, if the Permittee's discharge(s) from point source(s) identified on Page 1 of this Permit cause(s) or contribute(s) to a condition in contravention of State water quality standards, the Department may require abatement action to be taken by the Permittee, modify the Permit pursuant to the Department's rules and regulations, or both.

c. If the Department determines, on the basis of a notice provided pursuant to Part II.C.2. of this Permit or any investigation, inspection, or sampling, that a modification of this Permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification and, in cases of emergency, the Director may prohibit the noticed act until the Permit has been modified.

5. Compliance with Statutes and Rules

a. This Permit has been issued under ADEM Admin. Code div. 335-6. All provisions of this division, that are applicable to this Permit, are hereby made a part of this Permit. A copy of this division may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36110-2059.

b. This Permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

6. Right of Entry and Inspection

The Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the Permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

7. Duty to Reapply or Notify of Intent to Cease Discharge

a. If the Permittee intends to continue to discharge beyond the expiration date of this Permit, the Permittee shall file with the Department a complete permit application for reissuance of this Permit at least 180 days prior to its expiration.

b. If the Permittee does not desire to continue the discharge(s) allowed by this Permit, the Permittee shall notify the Department at least 180 days prior to expiration of this Permit of the Permittee’s intention not to request reissuance of this Permit. This notification must include the information required in Part I.D.4.a and be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Admin. Code r. 335-6-6-.09.

c. Failure of the Permittee to submit to the Department a complete application for reissuance of this Permit at least 180 days prior to the expiration date of this Permit will void the automatic continuation of this Permit as provided by ADEM Admin. Code r. 335-6-6-.06, and should this Permit not be reissued for any reason, any discharge after the expiration of this Permit will be an unpermitted discharge.

PART III ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under this Permit shall, upon conviction, be subject to penalties and/or imprisonment as provided by the AWPCA and/or the AEMA.

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties and/or imprisonment as provided by the AWPCA and/or the AEMA.

3. Permit Enforcement

This NPDES Permit is a Permit for the purpose of the AWPCA, the AEMA, and the FWPCA, and as such all terms, conditions, or limitations of this Permit are enforceable under State and Federal law.

4. Relief From Liability

Except as provided in Part II.B.1. (Bypass) and Part II.B.2. (Upset), nothing in this Permit shall be construed to relieve the Permittee of civil or criminal liability under the AWPCA, AEMA, or FWPCA for noncompliance with any term or condition of this Permit.

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Section 311 of the FWPCA, 33 U.S.C. §1321.

C. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, §22-22-9(c), all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement in any such report may result in the imposition of criminal penalties as provided for in Section 309 of the FWPCA, 33 U.S.C. §1319, and Code of Alabama 1975, §22-22-14.

D. DEFINITIONS

1. Acid or ferruginous mine drainage - means mine drainage which, before any treatment, either has a pH of less than 6 or a total iron concentration equal to or greater than 10 mg/l.

2. Alabama Environmental Management Act (AEMA) - means Code of Alabama 1975, §§22-22A-1 et. seq., as amended.

3. Alabama Water Pollution Control Act (AWPCA) - means Code of Alabama 1975, §§22-22-1 et. seq., as amended.

4. Alkaline mine drainage - means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/l.

5. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).

6. Arithmetic Mean - means the summation of the individual values of any set of values divided by the number of individual values.

7. BOD - means the five-day measure of the pollutant parameter biochemical oxygen demand

8. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.

9. CBOD - means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.

10. Coal Mine - means an area, on or beneath land, used or disturbed in activities related to the extraction, removal, or recovery of coal from natural or artificial deposits, including active mining and reclamation.

11. Coal Preparation Plant - means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

12. Coal Preparation Plant Associated Areas - means the coal preparation plant yards, immediate access roads, coal refuse piles and coal storage piles and facilities.

13. Coal Preparation Plant Water Circuit - means all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.

14. Coal Refuse Disposal Pile - means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

15. Controlled Surface Mine Drainage – means any surface mine drainage that is pumped or siphoned from the active mining area.

16. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.

17. Daily maximum - means the highest value of any individual sample result obtained during a day.

18. Daily minimum - means the lowest value of any individual sample result obtained during a day.

19. Day - means any consecutive 24-hour period.

20. Department - means the Alabama Department of Environmental Management.

21. Director - means the Director of the Department or his authorized representative or designee.

22. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the state." Code of Alabama 1975, §22-22-1(b)(8).

23. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish monitoring report requirements of an NPDES permit.

24. DO - means dissolved oxygen.

25. E. coli – means the pollutant parameter Escherichia coli.

26. 8HC - means 8-hour composite sample, including any of the following:

    a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

    b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

27. EPA - means the United States Environmental Protection Agency.

28. Federal Water Pollution Control Act (FWPCA) - means 33 U.S.C. §§1251 et. seq., as amended.

29. Flow – means the total volume of discharge in a 24-hour period.

30. Geometric Mean - means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).

31. Grab Sample - means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.

32. Indirect Discharger - means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.

33. Industrial User - means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category “Division D – Manufacturing” and such other classes of significant waste producers as, by regulation, the Director deems appropriate.

34. mg/L - means milligrams per liter of discharge.

35. MGD - means million gallons per day.

36. Monthly Average - means, other than for E. coli bacteria, the arithmetic mean of all the composite or grab samples taken for the daily discharges collected in one month period. The monthly average for E. coli bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period. (Zero discharges shall not be included in the calculation of monthly averages.)

37. New Discharger - means a person owning or operating any building, structure, facility or installation:
    a. From which there is or may be a discharge of pollutants;

    b. From which the discharge of pollutants did not commence prior to August 13, 1979, and which is not a new source; and

    c. Which has never received a final effective NPDES permit for dischargers at that site.

38. New Source - means:

    a. A new source as defined for coal mines by 40 CFR Part 434.11 (1994); and

    b. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

        (1) After promulgation of standards of performance under Section 306 of FWPCA which are applicable to such source; or

        (2) After proposal of standards of performance in accordance with Section 306 of the FWPCA which are applicable to such source, but only if the standards are promulgated in accordance with Section 206 within 120 days of their proposal.

39. NH3-N - means the pollutant parameter ammonia, measured as nitrogen.

40. 1-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in one year as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

41. Permit application - means forms and additional information that are required by ADEM Admin. Code r. 335-6-6-.08 and applicable permit fees.

42. Point Source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. §1362(14).

43. Pollutant - includes for purposes of this Permit, but is not limited to, those pollutants specified in Code of Alabama 1975, §22-22-1(b)(3) and those effluent characteristics, excluding flow, specified in Part I.A. of this Permit.

44. Pollutant of Concern - means those pollutants for which a water body is listed as impaired or which contribute to the listed impairment.

45. Preparation, Dry - means a dry preparation facility within which the mineral/material is cleaned, separated, or otherwise processed without use of water or chemical additives before it is shipped to the customer or otherwise utilized. A dry preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Dry preparation also includes minor water spray(s) used solely for dust suppression on equipment and roads to minimize dust emissions.

46. Preparation, Wet - means a wet preparation facility within which the mineral/material is cleaned, separated, or otherwise processed using water or chemical additives before it is shipped to the customer or otherwise utilized. A wet preparation plant includes all ancillary operations and

structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Wet preparation also includes mineral extraction/processing by dredging, slurry pumping, etc.

47. Privately Owned Treatment Works - means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".

48. Publicly Owned Treatment Works (POTW) - means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.

49. Receiving Stream - means the "waters" receiving a "discharge" from a "point source".

50. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

51. 10-year, 24-hour precipitation event - means that amount of precipitation which occurs during the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

52. TKN - means the pollutant parameter Total Kjeldahl Nitrogen.

53. TON - means the pollutant parameter Total Organic Nitrogen.

54. TRC - means Total Residual Chlorine.

55. TSS – means the pollutant parameter Total Suspended Solids

56. Total Year-to-Date discharge limitation - means the sum of the discharge mass flow rates of a pollutant on all previous days within a calendar year. For days when data has not been collected, the mass flow rates shall be assumed to be equal to the most recent calculated daily mass flow rate.

57. Treatment facility and treatment system - means all structures which contain, convey, and as necessary, chemically or physically treat mine and/or associated preparation plant drainage, which remove pollutants limited by this Permit from such drainage or wastewater. This includes all pipes, channels, ponds, tanks, and all other equipment serving such structures.

58. 24HC - means 24-hour composite sample, including any of the following:

    a. The mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;

    b. A sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or

    c. A sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.

59. 24-hour precipitation event - means that amount of precipitation which occurs within any 24-hour period.

60. 2-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

61. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate facilities, lack of preventive maintenance, or careless or improper operation.

62. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, §22-22-1(b)(2). "Waters" include all "navigable waters" as defined in §502(7) of the FWPCA, 33 U.S.C. §1362(7), which are within the State of Alabama.

63. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

64. Weekly (7-day and calendar week) Average – is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

E. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

F. PROHIBITIONS AND ACTIVIES NOT AUTHORIZED

1. Discharges from disposal or landfill activities as described in ADEM Admin. Code div. 335-13 are not authorized by this Permit unless specifically approved by the Department.

2. Relocation, diversion, or other alteration of a water of the State is not authorized by this Permit unless specifically approved by the Department.

3. The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the Permittee or not identified in the application for this Permit or not identified specifically in the description of an outfall in this Permit is not authorized by this Permit.

PART IV SPECIAL REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

A. DISCHARGES TO IMPAIRED WATERS

1. This Permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law, or unless compliance with the limitations and requirements of the Permit ensure that the discharge will not contribute to further degradation of the receiving stream. Impaired waters are those that do not meet applicable water quality standards and are identified on the State of Alabama's §303(d) list or on an EPA-approved or EPA-established TMDL. Pollutants of concern are those pollutants for which the receiving water is listed as impaired or contribute to the listed impairment.

2. Facilities that discharge into a receiving stream which is listed on the State of Alabama's §303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waters are impaired, must within six (6) months of the Final §303(d) list approval, document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

3. If the facility discharges to impaired waters as described above, it must determine whether a TMDL has been developed and approved or established by EPA for the listed waters. If a TMDL is approved or established during this Permit cycle by EPA for any waters into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of any water discharged by the Permittee. Within six (6) months of the date of TMDL approval or establishment, the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL, if necessary. Any revised BMP plans must be submitted to the Department for review. The facility must include in the BMP plan a monitoring component to assess the effectiveness of the BMPs in achieving the allocations.

B. PRECIPITATION EVENT DISCHARGE LIMITATIONS

1. Monitoring for Claims of Precipitation Event Discharge Limitation Exemption

Any sample of discharge collected in accordance with Parts I.C.1.a. and b. for which the Permittee submits a claim of exemption pursuant to Part IV.B.2., shall be collected within 48 hours after the commencement of the 24-hour precipitation event and prior to the cessation of the discharge or increased discharge. The sample shall be analyzed for each effluent characteristic as specified in Part I.A.2. Within 24 to 36 hours after the cessation of the 24-hour precipitation event, the Permittee shall collect an additional sample of the discharge and shall analyze such sample for each effluent characteristic specified in Part I.A.1. of this Permit.

2. Precipitation Event Discharge Limitation Exemption Submittal

Excluding discharges of drainage from the underground workings of an underground coal mine which are not commingled with other drainage eligible for precipitation event discharge limitations, any discharge or increase in the volume of a discharge which is caused by an applicable 24-hour precipitation event as described in Part IV.B.3. and which occurs during or within 24-hours after such event, may be exempt from the discharge limitations specified in Part I.A. provided that the discharge is addressed in Parts IV.B.4. through 8. and the Permittee submits a written claim of exemption to the Director with the DMR required to be submitted by Part I.D. of this Permit, which shall contain:

a. Persuasive evidence that the discharge or increase in the volume of a discharge was caused by an applicable 24-hour precipitation event;

b. Persuasive evidence of the amount of precipitation occurring during the applicable 24-hour precipitation event;

c. Persuasive evidence demonstrating the origin of the drainage causing a discharge;

d. The day and time at which the 24-hour precipitation event commenced and ceased;

e. The volume or amount in inches of the applicable 24-hour precipitation event; and

f. The results of monitoring conducted pursuant to Part I.A. of this Permit, if required thereby.

3. Applicable 24-Hour Precipitation Events

Applicable 24-hour precipitation events include those that are greater than 1-year, 24-hour precipitation events or less than, equal to, or greater than 2-year, 24-hour precipitation events, and 10-year, 24-hour precipitation events.

4. 24-Hour Precipitation Event Greater Than a 1-Year, 24-Hour Precipitation Event, but Less Than a 10-Year, 24-Hour Precipitation Events

Discharge limitations listed in Part I.A.2. may apply to discharges of acid or ferruginous drainage from coal refuse disposal piles, provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event greater than a 1-year, 24-hour precipitation event, but less than or equal to a 10-year, 24-hour precipitation event.

5. 24-Hour Precipitation Event Less Than or Equal to a 2-Year, 24-Hour Precipitation Event

Discharge limitations listed in Part I.A.2. may apply to discharges of drainage from acid or ferruginous mining areas (excluding discharges from steep slope mining areas, discharges from mountaintop removal operations, discharges from controlled surface mine, and discharges from underground workings of underground mines), provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event less than or equal to a 2-year, 24-hour precipitation event.

6. 24-Hour Precipitation Event Greater Than a 2-Year, 24-Hour Precipitation Event, but Less Than a 10-Year, 24-Hour Precipitation Events

Discharge limitations listed in Part I.A.2. may apply to discharges of drainage from acid or ferruginous mining areas (excluding discharges from steep slope mining areas, discharges from mountaintop removal operations, discharges from controlled surface mine, and discharges from underground workings of underground mines), provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event greater than a 2-year, 24-hour precipitation event, but less than or equal to a 10-year, 24-hour precipitation event.

7. 24-Hour Precipitation Event Less Than or Equal to a 10-Year, 24-Hour Precipitation Event

Discharge limitations listed in Part I.A.2. may apply to discharges of drainage from steep slope mining areas, discharges of drainage from mountaintop removal areas, discharges of alkaline drainage (excluding discharges from underground workings of underground mines and that are not commingled with other discharges), and discharges from coal preparation plant associated areas

(excluding acid or ferruginous mine drainage from coal refuse disposal piles), provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event less than or equal to a 10-year, 24-hour precipitation event.

8. 24-Hour Precipitation Event Greater Than a 10-Year, 24-Hour Precipitation Event

Discharge limitations listed in Part I.A.2. may apply to discharges of drainage from alkaline, acid, or ferruginous mining areas, discharges of steep slope mining areas, discharges of drainage from mountaintop removal operations, discharges of drainage from coal preparation plants and associated areas, discharges of drainage from coal refuse piles, the underground workings of an underground coal mine which are commingled with other discharges eligible for precipitation event discharge limitations, and discharges from reclamation areas, provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event greater than a 10-year, 24-hour precipitation event.

C. POST-MINING DISCHARGE LIMITATIONS

1. Excluding discharges from the underground workings of an underground coal mine, any discharge shall be exempt from the discharge limitations specified in Part I.A.1., provided that:

   a. All mining in the drainage basin(s) associated with the discharge has ceased;

   b. Revegetation has been established on all areas mined in the drainage basin(s) associated with the discharge;

   c. The Permittee has been granted, in writing, a Phase II Bond Release, if applicable, by the ASMC for all areas mined in the drainage basin(s) associated with the discharge;

   d. The Permittee has certified to the Director, in writing, its compliance with Parts IV.C.1.a. through c.; and

   e. The Permittee's request for post-mining discharge limitations has been approved by the Department in writing.

2. Any discharge, which pursuant to Part IV.C.1. is exempt from the discharge limitations specified in Part I.A.1., shall be limited and monitored by the Permittee as specified in Part I.A.3.

D. pH EXEMPTION DISCHARGE LIMITATIONS

Where the application of neutralization and sedimentation treatment technology results in the Permittee's inability to comply with applicable total manganese discharge limitations, the daily maximum discharge limitation for pH shall be 10.5 s.u. However, the discharge shall not cause the in-stream pH values to deviate more than 1.0 s.u. from the normal or natural pH, nor be less than 6.0 s.u., nor greater than 8.5 s.u. Use of this exemption must be noted on the DMR Form when submitted for each eligible outfall. Documentation justifying the necessity for the exemption must be also be submitted at the time of the associated DMR submittal.

E. MANGANESE EXEMPTION DISCHARGE LIMITATIONS

Limitations and monitoring requirements for total manganese do not apply if the drainage, before any treatment, has a pH equal to or more than 6.0 s.u. and a total iron concentration of less than 10.0 mg/l. Use of this exemption must be noted on the Discharge Monitoring Report (DMR) form when submitted for each

eligible outfall. Documentation of alkaline mine drainage before treatment must also be submitted prior to or at the time of the associated DMR submittal.

F. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS FOR ACUTE TOXICITY

Except as provided below, the Permittee shall perform 48-hour acute toxicity screening tests on the discharges required to be tested for acute toxicity in Part I.A. of this Permit.

The Permittee may certify, in writing, that the activities at the site at the time of sample collection will result in representative discharges, and therefore perform the toxicity tests on only the samples collected from the representative outfalls. The certification must be signed by a responsible official of the Permittee as defined in ADEM Admin Code r. 335-6-6-.09 and include the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

1. Test Requirements

a. The tests shall be performed using undiluted effluent.

b. Any test where survival in the effluent concentration is less than 90% and statistically lower than the control indicates acute toxicity and constitutes noncompliance with this Permit.

2. General Test Requirements

a. A grab sample shall be obtained for use in above biomonitoring tests. The holding time for each sample shall not exceed 36 hours. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-012 or most current edition or another control water selected by the Permittee and approved by the Department.

b. Effluent toxicity tests in which the control survival is less than 90% or in which the other requirements of the EPA Test Procedure are not met shall be unacceptable and the Permittee shall rerun the tests as soon as practical within the monitoring period.

c. In the event of an invalid test, upon subsequent completion of a valid test, the results of all tests, valid and invalid, are reported with an explanation of the tests performed and results.

d. Should results from five consecutive testing periods indicate that the effluent does not exhibit acute toxicity, the Permittee may request, in writing, that the Toxicity monitoring and reporting requirements be suspended. It remains the responsibility of the Permittee to comply with the Toxicity monitoring and reporting requirements until written authorization to suspend the monitoring and reporting is received by the Permittee from the Director.

3. Reporting Requirements

a. The Permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).

b. Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 6. of this part, an effluent toxicity report containing the information in Section 6. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

4. Additional Testing Requirements

a. If acute toxicity is indicated (noncompliance with permit limit), the Permittee shall perform two additional valid acute toxicity tests in accordance with these procedures. The toxicity tests shall be performed on new samples collected during the first discharge event after becoming aware of the acute toxicity. The additional samples shall be collected a minimum of 12 hours apart, or sooner if the discharge is not expected to continue for 12 hours. In the event that the discharge ceases prior to collection of the second additional sample, the sample shall be collected during the beginning of the next discharge event. The results of these tests shall be submitted no later than 28 days following the month in which the tests were performed. Additional testing sample collection and analysis timeframes may be extended, as necessary, to obtain the samples during discharges.

b. After evaluation of the results of the additional tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The Permittee may be required to perform a Toxicity Identification Evaluation (TIE) and/or a Toxicity Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600/R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.).

5. Test Methods

The tests shall be performed in accordance with the latest edition of the "EPA Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" and shall be performed using the fathead minnow (*Pimephales promelas*) and the cladoceran (*Ceriodaphnia dubia*).

6. Effluent Toxicity Testing Reports

The following information shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department may at any time suspend or reinstate this requirement or may increase or decrease the frequency of submittals.

a. Introduction

(1) Facility Name, location and county

(2) Permit number

(3) Toxicity testing requirements of permit

(4) Name of receiving water body

(5) Contract laboratory information (if tests are performed under contract)

(i) Name of firm

(ii) Telephone number

(iii) Address

(6) Objective of test

b. Plant Operations

(1) Discharge operating schedule (if other than continuous)

(2) Volume of discharge during sample collection to include Mean daily discharge on sample collection date (MGD, CFS, GPM)

c. Source of Effluent Water and Dilution Water

(1) Effluent samples

(i) Sample point

(ii) Sample collection dates and times

(iii) Sample collection method

(iv) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)

(v) Sample temperature when received at the laboratory

(vi) Lapsed time from sample collection to delivery

(vii) Lapsed time from sample collection to test initiation

(2) Dilution Water samples

(i) Source

(ii) Collection date(s) and time(s) (where applicable)

(iii) Pretreatment (if applicable)

(iv) Physical and chemical characteristics (pH, hardness, water temperature, alkalinity, specific conductivity, etc.)

d. Test Conditions

(1) Toxicity test method utilized

(2) End point(s) of test

(3) Deviations from referenced method, if any, and reason(s)

(4) Date and time test started

(5) Date and time test terminated

(6) Type and volume of test chambers

(7) Volume of solution per chamber

(8) Number of organisms per test chamber

(9) Number of replicate test chambers per treatment

(10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)

(11) Feeding frequency, and amount and type of food

(12) Light intensity (mean)

e. Test Organisms

(1) Scientific name

(2) Life stage and age

(3) Source

(4) Disease treatment (if applicable)

f. Quality Assurance

(1) Reference toxicant utilized and source

(2) Date and time of most recent acute reference toxicant test(s), raw data, and current cusum chart(s)

(3) Results of reference toxicant test(s) (LC50, etc.), report concentration-response relationship and evaluate test sensitivity. The most recent reference toxicant test shall be conducted within 30-days of the routine.

(4) Physical and chemical methods utilized

g. Results

(1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate

(2) Provide table of endpoints: LC50, NOAEC, Pass/Fail (as required in the applicable NPDES permit)

(3) Indicate statistical methods used to calculate endpoints

(4) Provide all physical and chemical data required by method

(5) Results of test(s) (LC50, NOAEC, Pass/Fail, etc.), report concentration-response relationship (definitive test only), report percent minimum significant difference (PMSD)

h. Conclusions and Recommendations

(1) Relationship between test endpoints and permit limits

(2) Action to be taken

G. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS FOR CHRONIC TOXICITY

Except as provided below, the Permittee shall perform chronic toxicity screening tests on the discharges required to be tested for chronic toxicity in Part I.A. of this Permit.

The Permittee may certify, in writing, that the activities at the site at the time of sample collection will result in representative discharges, and therefore perform the toxicity tests on only the samples collected from the representative outfalls. The certification must be signed by a responsible official of the Permittee as defined in ADEM Admin Code r. 335-6-6-.09 and include the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

1. Test Requirements (Screening Test)

a. The tests shall be performed using undiluted effluent.

b. Any test result that shows a statistically significant reduction in survival, growth or reproduction between the control and the test at the 95% confidence level indicate chronic toxicity and constitute noncompliance with this permit.

2. General Test Requirements

a. A grab sample shall be obtained for use in the above biomonitoring tests and collected every other day so that the laboratory receives water samples on the first, third and fifth day of the seven-day test period. The holding time for each sample shall not exceed 36 hours, unless sample collection was not possible due to discharge cessation. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-013 or the most current edition or another control water selected by the Permittee and approved by the Department.

b. Should the discharge cease prior to the third grab sample on the fifth day of discharge, the chronic test shall be terminated early and the code “NODI=F” shall be reported on the DMR to indicate insufficient flow. A report of insufficient flow shall not indicate noncompliance with the chronic toxicity testing requirements.

c. Effluent toxicity tests in which the control survival is less than 80%, *P. promelas* dry weight per surviving control organism is less than 0.25 mg, Ceriodaphnia number of young per surviving control organism is less than 15, Ceriodaphnia reproduction where less than 60% of surviving control females produce three broods or in which the other

requirements of the EPA Test Procedure are not met shall be unacceptable and the Permittee shall rerun the tests as soon as practical within the monitoring period.

d. In the event of an invalid test, upon subsequent completion of a valid test, the results of all tests, valid and invalid, are reported with an explanation of the tests performed and results.

3. Reporting Requirements

a. The Permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).

b. Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 6. of this part, an effluent toxicity report containing the information in Section 6. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

4. Additional Testing Requirements

a. If chronic toxicity is indicated (noncompliance with permit limit), the Permittee shall perform two additional valid chronic toxicity tests in accordance with these procedures. The toxicity tests shall be performed on new samples collected during the first discharge event after becoming aware of the chronic toxicity. The additional samples shall be collected a minimum of 12 hours apart, or sooner if the discharge is not expected to continue for 12 hours. In the event that the discharge ceases prior to collection of the second additional sample, the sample shall be collected during the beginning of the next discharge event. The results of these tests shall be submitted no later than 28 days following the month in which the tests were performed. Additional testing sample collection and analysis timeframes may be extended, as necessary, to obtain the samples during discharges.

b. After evaluation of the results of the additional tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The Permittee may be required to perform a Toxicity Identification Evaluation (TIE) and/or a Toxicity Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600/R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.).

5. Test Methods

The tests shall be performed in accordance with the latest edition of the "EPA Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms." The Larval Survival and Growth Test, Methods 1000.0, shall be used for the fathead minnow (*Pimephales promelas*) test and the Survival and Reproduction Test, Method 1002.0, shall be used for the cladoceran (*Ceriodaphnia dubia*) test.

6. Effluent Toxicity Testing Reports

The following information shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department may at any times suspend or reinstate this requirement or may decrease or increase the frequency of submittals.

a. Introduction

(1) Facility name, location and county
(2) Permit number
(3) Toxicity testing requirements of permit

(4) Name of receiving water body

(5) Contract laboratory information (if tests are performed under contract)

(i) Name of firm

(ii) Telephone number

(iii) Address

(6) Objective of test

b. Plant Operations

(1) Discharge Operating schedule (if other than continuous)

(2) Volume of discharge during sample collection to include Mean daily discharge on sample collection dates (MGD, CFS, GPM)

(3) Design flow of treatment facility at time of sampling

c. Source of Effluent and Dilution Water

(1) Effluent samples

(i) Sampling point

(ii) Sample collection dates and times

(iii) Sample collection method

(iv) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)

(v) Lapsed time from sample collection to delivery

(vi) Lapsed time from sample collection to test initiation

(vii) Sample temperature when received at the laboratory

(2) Dilution Water

(i) Source

(ii) Collection/preparation date(s) and time(s)

(iii) Pretreatment (if applicable)
(iv) Physical and chemical characteristics (water temperature, pH, alkalinity, hardness, specific conductance, etc.)

d. Test Conditions

(1) Toxicity test method utilized
(2) End point(s) of test

(3) Deviations from referenced method, if any, and reason(s)

(4) Date and time test started

(5) Date and time test terminated

(6) Type and volume of test chambers

(7) Volume of solution per chamber

(8) Number of organisms per test chamber

(9) Number of replicate test chambers per treatment

(10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)

(11) Specify if aeration was needed

(12) Feeding frequency, amount and type of food

(13) Specify if (and how) pH control measures were implemented

(14) Light intensity (mean)

e. Test Organisms

(1) Scientific name

(2) Life stage and age

(3) Source

(4) Disease(s) treatment (if applicable)

f. Quality Assurance

(1) Reference toxicant utilized and source

(2) Date and time of most recent chronic reference toxicant test(s), raw data and current control chart(s). The most recent chronic reference toxicant test shall be conducted within 30 days of the routine.

(3) Dilution water utilized in reference toxicant test
(4) Results of reference toxicant test(s) (NOEC, IC25, PASS/FAIL, etc.), report concentration-response relationship and evaluate test sensitivity

(5) Physical and chemical methods utilized

g. Results

(1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate

(2) Provide table of endpoints: NOECs, IC25s, PASS/FAIL, etc. (as required in the applicable NPDES permit)

(3) Indicate statistical methods used to calculate endpoints

(4) Provide all physical and chemical data required by method

(5) Results of test(s) (NOEC, IC25, PASS/FAIL, etc.), report concentration-response relationship (definitive test only), report percent minimum significant difference (PMSD) calculated for sublethal endpoints determined by hypothesis testing.

h. Conclusions and Recommendations

(1) Relationship between test endpoints and permit limits

(2) Actions to be taken

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

ANTIDEGRADATION RATIONALE

Company Name:	**Jim Walter Resources, Inc.**
Facility Name:	**Mine No. 4**
County:	**Tuscaloosa County**
Permit Number:	**AL0026590**
Prepared by:	**Chase Gamble**
Date:	**August 22, 2014**
Receiving Waters:	**Black Warrior River (Holt Lake), Cane Creek, Oswalt Creek, Black Branch, unnamed tributaries to Black Warrior River (Holt Lake), unnamed tributaries to Black Branch, unnamed tributaries to Bluff Creek, unnamed tributaries to Daniel Creek, unnamed tributaries to Horn Creek, unnamed tributaries to Davis Creek, an unnamed tributary to Hurricane Creek, an unnamed tributary to Cane Creek, and an unnamed tributary to Oswalt Creek**
Stream Category:	**Tier II as defined by ADEM Admin. Code 335-6-10-.12**
Discharge Description:	**Discharge of drainage from an existing source underground coal mine and associated wet preparation areas**

The following preliminary determination was prepared in accordance with ADEM Admin. Code 335-6-10-.12(7)(c):

The Department has reviewed the information submitted by applicant in accordance with ADEM Admin. Code 335-6-10-.12(9). The applicant has demonstrated that there are no technically or economically viable treatment options in its alternatives analysis that would completely eliminate a direct discharge.

The permit applicant has indicated that the following economic and social benefits will result from this project:

1. The Permittee submits that the mine provides low sulfur metallurgical coal, which is imperative for the production of steel throughout the world.

2. The Permittee also states that approximately 400 jobs will remain at the mine if the permit is reissued and modified. Reissuance and modification of this permit will also avoid the loss of state and local taxes that are paid from those 400 jobs.

3. The Permittee states that the employees of both the mine and the support companies will provide revenue for the local businesses in the community, as well as central Alabama.

The Department has determined that the discharge proposed by the permit applicant is necessary for important economic and social development in the area of the outfall location in the receiving water.

Reviewed By: Catherine McNeill CM
Date: 9-24-14

FACT SHEET

APPLICATION FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TREATED WASTEWATERS
TO WATERS OF THE STATE OF ALABAMA

Date: September 23, 2014 **Prepared By: Chase Gamble**

NPDES Permit No. AL0026590

1. SYNOPSIS OF APPLICATION

a. Name and Address of Applicant and Location if Different From Mailing Address

Jim Walter Resources, Inc. – Mine No. 4
16243 State Highway 216
Brookwood, AL 35444

b. Description of Applicant's Facility or Activity Generating the Discharge

Underground Coal Mining

c. Applicant's Receiving Waters

DSN	RECEIVING STREAM	CLASSIFICATION
001-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
002-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
003-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
004-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
005-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
006-1	Unnamed tributary to Black Branch	Fish & Wildlife
007-1	Unnamed tributary to Horn Creek	Fish & Wildlife
008-1	Unnamed tributary to Horn Creek	Fish & Wildlife
009-1	Unnamed tributary to Horn Creek	Fish & Wildlife
010-1	Unnamed tributary to Daniel Creek	Fish & Wildlife
011-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
012-1	Unnamed tributary to Horn Creek	Fish & Wildlife
013-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
014-1	Oswalt Creek	Fish & Wildlife
015-1	Cane Creek	Fish & Wildlife
016-1	Unnamed tributary to Black Branch	Fish & Wildlife
017-1	Cane Creek	Fish & Wildlife
018-1	Unnamed tributary to Horn Creek	Fish & Wildlife
019-1	Unnamed tributary to Black Branch	Fish & Wildlife
020-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
021-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
022-1	Unnamed tributary to Bluff Creek	Fish & Wildlife
023-1	Unnamed tributary to Black Warrior River	Fish & Wildlife
024-1	Unnamed tributary to Daniel Creek	Fish & Wildlife
025-1	Unnamed tributary to Hurricane Creek	Fish & Wildlife
026-1	Black Warrior River	Swimming & Other Whole Body Contact Sports, Fish & Wildlife
027-1	Black Warrior River	Swimming and Other Whole Body Contact Sports, Fish & Wildlife
028-1	Black Warrior River	Swimming and Other Whole Body Contact Sports, Fish & Wildlife

Applicant's Receiving Waters (continued)

DSN	RECEIVING STREAM	CLASSIFICATION
029-1	Unnamed tributary to Black Warrior River	Fish & Wildlife
030-1	Unnamed tributary to Davis Creek	Fish & Wildlife
031-1	Unnamed tributary to Davis Creek	Fish & Wildlife
032-1	Unnamed tributary to Oswalt Creek	Fish & Wildlife
033-1	Unnamed tributary to Black Warrior River	Fish & Wildlife
034-1	Cane Creek	Fish & Wildlife
035-1	Cane Creek	Fish & Wildlife
036-1	Unnamed tributary to Cane Creek	Fish & Wildlife
037-1	Black Branch	Fish & Wildlife
038-1	Unnamed tributary to Black Branch	Fish & Wildlife

* For the Outfall latitude and longitude see the permit application.

d. Quantitative Description of Proposed Discharges

See attached draft permit and permit application

2. PROPOSED DISCHARGE LIMITATIONS

See attached draft permit

3. STATEMENT OF BASIS FOR PERMIT LIMITATIONS

See attached permit rationale

4. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

a. Comment Period

The Alabama Department of Environmental Management proposes to issue an NPDES permit to this applicant subject to the effluent limitations and special conditions outlined above. These determinations are tentative.

Interested persons are invited to submit written comments on the permit application or on proposed determinations to the following address:

Russell A. Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7714

All comments received prior to the closure of the public notice period (see attached public notice) will be considered in the formulation of final determinations with regard to this application.

b. Public Hearing

A written request for a public hearing may also be filed with the public notice period and must state the nature of the issues proposed to be raised in the hearing. The Director shall hold a public hearing whenever it is found, on the basis of hearing requests, that there exists a significant degree of public interest in the permit application or draft permit or group of permits. A request for a hearing should be filed with the Department at the following address:

Russell A. Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7714

The Director may hold a public hearing if he determines that useful information and data may be obtained thereby. Public notice of such a hearing will be published at least 30 days prior to the hearing in a newspaper having general circulation in the geographical area of the discharge and will be sent to those on the ADEM mailing list at least thirty days prior to the hearing.

c. Issuance of the Permit

Upon the expiration of the comment period and, if applicable, completion of the public hearing process a response to all significant comments will be prepared. After consideration of all comments received during the notice period or as the result of a public hearing, the response to comments, and of the requirements of the Alabama Water Pollution Control Act and appropriate regulations, the Director will make a final decision regarding permit issuance. **The permit record, including the response to comments, will be available to the public and an appointment to review the record may be made by writing the Permits and Services Division at the above address.**

Unless a request for a stay of a permit or permit provision is granted, the proposed permit contained in the Director's determination shall be issued and effective; and will be the final action of the Alabama Department of Environmental Management.

d. Appeal Procedures

Any person adversely affected by the Director's final decision may submit an appeal or a request for a stay of the permit or one or more provisions of the permit. Such requests should be received by the Environmental Management Commission within thirty days of issuance of the permit. Requests should be submitted to the Chairperson at the following address:

Alabama Environmental Management Commission
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059

All requests must:

(i) State the name, mailing address and telephone number of the person making such request;

(ii) Identify the interest of the appellant which is affected by the proposed issuance, denial or modification of the permit contained in the determination of the Director, and explain how and to what extent that interest would be directly and adversely affected by such determination;

(iii) Identify any persons whom the request represents;

(iv) State with particularity, the issues proposed to be considered at the hearing; and

(v) Include any terms and conditions with which the appellant proposes to revise or replace the determinations of the Director.

The Commission may rule on the appeal or may hold an appeals hearing prior to making a ruling.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NPDES INDIVIDUAL PERMIT RATIONALE

Company Name: **Jim Walter Resources, Inc.**

Facility Name: **Mine No. 4**

County: **Tuscaloosa County**

Permit Number: **AL0026590**

Prepared by: **Chase Gamble**

Date: **October 3, 2014**

Receiving Waters: **Black Warrior River (Holt Lake), Cane Creek, Oswalt Creek, Black Branch, unnamed tributaries to Black Warrior River (Holt Lake), unnamed tributaries to Black Branch, unnamed tributaries to Bluff Creek, unnamed tributaries to Daniel Creek, unnamed tributaries to Horn Creek, unnamed tributaries to Davis Creek, an unnamed tributary to Hurricane Creek, an unnamed tributary to Cane Creek, and an unnamed tributary to Oswalt Creek**

Permit Coverage: **7 - Underground Coal Mine, Wet Preparation Plant, and Associated Areas**

SIC Codes: **1222**

The Department has made a tentative determination that the available information is adequate to support reissuance and modification of this permit. This modification covers the addition of Outfalls 025-1 through 038-1.

This proposed permit covers an existing source underground coal mine, wet preparation plant, and associated areas.

This proposed permit authorizes treated discharges into a stream segments, other State waters, or local watersheds that currently have a water quality classification of Swimming and Other Whole Body Water-Contact Sports (S) and/or Fish and Wildlife (F&W) (ADEM Admin. Code r. 335-6-10-.09). If the requirements of the proposed permit are fully implemented, the facility will not discharge pollutants at levels that will cause or contribute to a violation of the S and F&W classifications.

Full compliance with the proposed permit terms and conditions is expected to be protective of instream water quality and ensure consistency with applicable instream State water quality standards for the receiving streams.

The active mining and precipitation event discharge limitations for Total Suspended Solids (excluding Outfalls 007 through 010, 012, 014, 018, 024, 025, and 032), Total Iron as Fe (monthly average and daily maximum), and Total Manganese as Mn, are based on 40 CFR Part 434.

The active and post-mining discharge limitations for Outfalls 001-1, 010-1, 013-1, 015-1, 017-1, 018-1, 025-1, 029-1, and 030-1 through 038-1 for pH of 6.0 – 8.5 s.u. are based on instream water quality standards for

streams classified as Fish & Wildlife found in ADEM Admin. Code r. 335-6-10-.09. This is a reduction from the previous permit limits of 6.0 – 9.0 s.u. However, during applicable precipitation events which qualify for alternative technology based limits, it is the opinion of the Department that discharges with an allowable pH daily maximum of 9.0 s.u. will not adversely affect the instream pH based on the low discharge/stream flow ratio. The proposed limitations have been shown to be protective of water quality.

A daily maximum pH limit of 9.0 s.u. is allowed by the Department for discharges that that have a low discharge/stream flow ratio. Due to the fact that discharges from Outfalls 002-1 through 009-1, 011-12, 012-1, 014-1, 016-1, 019-1 through 024-1, and 026-1 through 028-1 are expected only in response to rain events, it is the opinion of the Department that discharges with an allowable pH daily maximum of 9.0 s.u. will not adversely affect the instream pH based on the low discharge/stream flow ratio. The proposed limitations have been shown to be protective of water quality.

40 CFR 434.62 allows the pH level in the final discharge to exceed 9.0 s.u. when neutralization and sedimentation treatment technology results in the Permittee's inability to comply with the applicable total manganese limitations. The acidity and metals composition of each discharge is unique and sometimes a pH value of 10.5 s.u. is necessary for the removal of manganese. However, the discharge shall not cause the in-stream pH to deviate more than 1.0 s.u from the normal or natural pH, nor be less than 6.0 s.u., nor greater than 8.5 s.u.

Post-mining discharge limitations are included in addition to the active mining and precipitation event discharge limitations. The post-mining discharge limitations are based on 40 CFR Part 434, Subpart E. This permit is more restrictive than the BAT Guidelines in that the Permittee, in order to qualify for the post-mining discharge limitations, must have received a Phase II Bond Release from the Alabama Surface Mining Commission for all areas mined in the drainage basin(s) associated with the discharge. The reason a Phase II Bond Release is required for post-mining limitations rather than a Phase I Bond Release is that topsoil replacement and the commencement of re-vegetation are frequently important factors in controlling the effluent quality from a coal mine. The Department has determined that tying the post-mining discharge limitations to the Phase II Bond Release will effectively protect water quality in Alabama as it relates to coal mining.

Precipitation event discharge limitations are an alternate set of technology based limits afforded a facility under certain conditions, and they do not apply automatically. These alternative technology based limitations applicable during precipitation events are consistent with 40 CFR Part 434.63.

The additional effluent and Toxicity monitoring is required so that future determinations can be made as to whether or not a reasonable potential to cause or contribute to an excursion of numeric or narrative water quality standards exists. Chronic WET testing is included in addition to acute WET testing for outfalls 001-1, 010-1, 013-1, 015-1, 017-1, 018-1, 025-1, and 029-1 through 038-1 because discharges are expected to occur at these outfalls more frequently than in response to precipitation events.

The applicant has, in accordance with 40 CFR Part 122.21 and their NPDES permit application, submitted data relative to metals, cyanide, and total phenols as part of the application. The Department has acknowledged that the other Part A, B, and C pollutants listed in EPA Form 2C and 2D are not believed to be present in the waste stream due to the processes involved in the mining activity. Therefore, testing for the other Part A, B, and C pollutants listed in EPA Form 2C and 2D is not required.

The Department completed a reasonable potential analysis (RPA) of the discharges based on laboratory data provided in the Permittee's application. The RPA indicates whether or not pollutants in treated effluent have the potential to contribute to excursions of Alabama's in-stream water quality standard. Based on the analytical data submitted by the Permittee, it appears that reasonable potential may exist to cause an in-stream water quality criteria exceedance for Nickel and Copper. As a result, the Department is imposing discharge limitations for Dissolved Nickel for Outfalls 002-1, 021-1 through 025-1, 029-1, and 034-1 through 038-1, and

Dissolved Copper for Outfalls 007-1, 014-1, and 032-1. The Department has reviewed available data in ALAWADR, ADEM's water quality database, and found nothing to contradict the data submitted by the applicant.

Monitor only requirements are proposed for Dissolved Chromium and Dissolved Lead for Outfalls 007-1 through 009-1, 012-1, 014-1, 018-1, 025-1, and 032-1; and Dissolved Nickel for Outfalls 002-1, 021-1 through 025-1, 029-1, and 034-1 through 038-1; and Dissolved Copper for Outfalls 007-1, 014-1, and 032-1 during applicable precipitation events. The Permittee has the responsibility to establish and maintain appropriate erosion/sediment control and pollution abatement practices to effectively treat the discharge for all precipitation events to comply with applicable state water quality standards at all times. The Department may use the reported information to make a determination whether a water quality standard has been exceeded during the precipitation event.

If there is a reasonable potential that a pollutant present in the treated discharges from a facility could cause or contribute to a contravention of applicable State water quality standards above numeric or narrative criteria, 40 CFR § 122 requires the Department to establish effluent limits using calculated water quality criterion, establish effluent limits on a case-by-case basis using criteria established by EPA, or establish effluent limits based on an indicator parameter. Based on available information, potential pollutants discharged from this facility, if discharged within the concentrations allowed by this permit, would not have a reasonable potential to cause or contribute to a contravention of applicable State water quality standards.

Pursuant to ADEM Admin. Code R. 335-6-6-.12(r) this permit requires the Permittee to design and implement a Spill Prevention Control and Countermeasures (SPCC) plan for all stored chemicals, fuels and/or stored pollutants that have the potential to discharge to a water of the State. This plan must meet the minimum engineering requirements as defined in 40 CFR Part 112 and must provide for secondary containment adequate to control a potential spill.

In accordance with ADEM Admin. Code r. 335-6-3-.07 the design professional engineer, as evidenced by their seal and/or signature on the application, has accepted full responsibility for the effectiveness of the waste treatment facility to treat the Permittee's effluent to meet NPDES permit limitations and requirements, and to fully comply with Alabama's water quality standards, when such treatment facilities are properly operated.

The Pollution Abatement/Prevention (PAP) plan for this facility has been prepared by a professional engineer (PE) registered in the State of Alabama and is designed to ensure reduction of pollutants in the waste stream to a level that, if operated properly, the discharge will not contribute to or cause a violation of applicable State water quality standards. By Memorandum of Understanding with the Alabama Surface Mining Commission (ASMC) the PAP for coal operations is reviewed/approved by ASMC. The proposed permit terms and conditions are predicated on the basis of ensuring a reduction of pollutants in the discharge to a level that reduces the potential of contributing to or causing a violation of applicable State water quality standards.

The applicant is not proposing discharges of pollutant(s) to a water of the State with an approved Total Maximum Daily Load (TMDL).

This proposed permit authorizes treated discharges into tributaries of Daniel Creek (AL03160112-0305-110), a stream segment or other State water that is included on Alabama's current CWA §303(d) list for Siltation and Total Dissolved Solids (TDS). This proposed permit also authorizes treated discharges into tributaries of Pegues Creek (AL03160112-0304-110), a stream segment or other State water that is included on Alabama's current CWA §303(d) list for metals (Chromium and Lead) and Siltation. 40 CFR 122.4(i) prohibits issuance of an NPDES permit to a new source or a new discharge if that treated discharge will cause or contribute to a violation of applicable State water quality standards in the receiving water. Because Pegues Creek is listed on Alabama's current CWA §303(d) list for Chromium and Lead, monitoring for the appropriate outfalls has been proposed in this permit for Dissolved Chromium and Dissolved Lead so that the data will be available, if needed, during development of a TMDL.

ADEM maintains an Ecoregional Reference Reach Monitoring Program that monitors the least-disturbed watersheds throughout the state that represent the "best attainable condition" for comparison with other streams. ADEM uses a 90th percentile as the basis of comparison for TSS data. The 90th percentile ecoregional reference TSS value for Ecoregion 68f is 14.0 mg/L. The Department believes limiting the TSS to the 90th percentile of ecoregional reference value for Outfalls 007-1 through 010-1, 012-1, 014-1, 018-1, 024-1, 025-1, and 032-1 provides reasonable assurance that the pollutants will not be present in the discharge at levels of concern and/or the facility will not discharge pollutants at levels that will cause or contribute to a violation of applicable State water quality standards in the receiving water. These limitations are imposed during all phases of the mining operations in addition to those limitations typically found in coal mining permits for this region.

The applicant is not proposing discharges of pollutants to an ADEM identified Tier 1 water.

The proposed permit action authorizes new or increased discharges of pollutant(s) to receiving waters determined by the Department to be waters where the quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (Tier II). Pursuant to ADEM Admin. Code r. 335-6-10 (Antidegradation Policy and Implementation of the Antidegradation Policy), the applicant has submitted and the Department has reviewed/considered information regarding (1) demonstration of necessity/importance, (2) alternatives analysis, and (3) if required, calculation(s) of total annualized costs for technically feasible treatment alternatives regarding the proposed new or increased discharges to Tier II waters. The Department has determined, based on the applicant's demonstration, that the proposed new or increased discharges to the Tier II waters are necessary for important economic or social development in the area in which the waters are located.

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No.: **AL0026590** **OUTFALLS 001-1, 003-1 through 005-1, 011-1, 013-1, and 020-1** [1,2,3]

				Freshwater F&W classification.						Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Human Health Consumption Fish only (µg/l) Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_r)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Beryllium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	3.949	3.949	0.790	No	0	0	0.398	0.398	0.080	No	-	-	-	-
5	Chromium/ Chromium III			0	0	1005.167	1005.167	201.033	No	0	0	130.752	130.752	26.150	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper			0	0.97	25.823	25.823	5.165	No	0	0.97	16.193	16.193	3.239	No	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	136.142	136.142	27.228	No	0	0	5.305	5.305	1.061	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel			0	9	841.659	841.659	168.332	No	0	9	93.482	93.482	18.696	No	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	10.597	10.597	2.119	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	210.823	210.823	42.165	No	0	0	212.547	212.547	42.509	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 001-1 is reported to have a discharge flow rate of 0.291 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 200 mg/L was used in the calculations

4 Discharge data for all parameters are the results of samples obtained from Outfall 020-E at Mine No. 4 (AL0026590), on June 19, 2013

B

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No.: **AL0026590**

OUTFALLS 002-1, 021-1 through 023-1, 029-1, and 034-1 through 036-1 [1,2,3]

															Human Health Consumption Fish only (µg/l)				
Freshwater F&W classification.				Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_r)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Berylium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	3.949	3.949	0.790	No	0	0	0.398	0.398	0.080	No	-	-	-	-
5	Chromium/ Chromium III			0	0	1005.167	1005.167	201.033	No	0	0	130.752	130.752	26.150	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper			0	0	25.823	25.823	5.165	No	0	0	16.193	16.193	3.239	No	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	136.142	136.142	27.228	No	0	0	5.305	5.305	1.061	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel	**YES**		0	22.11	841.659	841.659	168.332	No	0	22.11	93.482	93.482	18.696	Yes	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	10.597	10.597	2.119	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	210.823	210.823	42.165	No	0	0	212.547	212.547	42.509	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 023-1 is reported to have a discharge flow rate of 0.087 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 200 mg/L was used in the calculations

4 Discharge data for all parameters are the results of samples obtained from Outfall 021-E at Mine No. 4 (AL0026590), on June 19, 2013.

c

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No.: **AL0026590** **OUTFALLS 006-1, 015-1, 017-1, 030-1, 031-1, and 033-1** [1,2,3]

																Human Health Consumption Fish only (µg/l)			
Freshwater F&W classification.				Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_t)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_t)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C.)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3 73E+02	3.73E+02	7 47E+01	No
2	Arsenic		YES	0	0	340 000	340 000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6 06E-02	No
3	Berylium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	3.949	3.949	0.790	No	0	0	0.398	0.398	0 080	No	-	-	-	-
5	Chromium/ Chromium III			0	0	1005 167	1005 167	201 033	No	0	0	130.752	130.752	26.150	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11 000	11 000	2 200	No	-	-	-	-
7	Copper			0	2 95	25 823	25.823	5.165	No	0	2.95	16 193	16 193	3.239	No	1.30E+03	1.30E+03	2 60E+02	No
8	Lead			0	0	136.142	136 142	27 228	No	0	0	5.305	5.305	1.061	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0 012	0 012	0 002	No	1 40E-01	1 40E-01	2 81E-02	No
10	Nickel			0	0	841 659	841 659	168.332	No	0	0	93.482	93.482	18.696	No	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1 000	No	2.43E+03	2.43E+03	4 86E+02	No
12	Silver			0	0	10 597	10.597	2.119	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5 47E-02	No
14	Zinc			0	0	210 823	210.823	42.165	No	0	0	212 547	212.547	42 509	No	1 49E+04	1 49E+04	2 98E+03	No
15	Cyanide			0	0	22.000	22 000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1 87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 0 0 cfs This is the receiving stream flow value used in the calculations.

2 Outfall 030-1 is reported to have a discharge flow rate of 0.115 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 200 mg/L was used in the calculations

4 Discharge data for all parameters are the results of samples obtained from Outfall 016-E at Mine No 4 (AL0026590), on June 19, 2013

c

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No: **AL0026590** **OUTFALLS 007-1, 014-1, and 032-1** [1,2,3]

																Human Health Consumption Fish only (µg/l)			
Freshwater F&W classification.				Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_t)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_t)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_t)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Beryllium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	2.657	2.657	0.531	No	0	0	0.300	0.300	0.060	No	-	-	-	-
5	Chromium/ Chromium III			0	0	719.663	719.663	143.933	No	0	0	93.613	93.613	18.723	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper	**YES**		0	2.95	17.582	17.582	3.516	No	0	2.95	11.427	11.427	2.285	Yes	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	87.970	87.970	17.594	No	0	0	3.428	3.428	0.686	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel			0	0	595.996	595.996	119.199	No	0	0	66.197	66.197	13.239	No	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	5.253	5.253	1.051	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	149.209	149.209	29.842	No	0	0	150.429	150.429	30.086	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 007-1 is reported to have a discharge flow rate of 0.032 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 133 mg/L was used in the calculations.

4 Discharge data for all parameters are the results of samples obtained from Outfall 016-E at Mine No. 4 (AL0026590), on June 19, 2013.

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No: **AL0026590**

OUTFALLS 008-1, 009-1, 012-1, and 018-1 [1,2,3]

																Human Health Consumption Fish only (µg/l)			
Freshwater F&W classification.				Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_r)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Berylium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	2.657	2.657	0.531	No	0	0	0.300	0.300	0.060	No	-	-	-	-
5	Chromium/ Chromium III			0	0	719.663	719.663	143.933	No	0	0	93.613	93.613	18.723	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper			0	0.97	17.582	17.582	3.516	No	0	0.97	11.427	11.427	2.285	No	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	87.970	87.970	17.594	No	0	0	3.428	3.428	0.686	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel			0	9	595.996	595.996	119.199	No	0	9	66.197	66.197	13.239	No	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	5.253	5.253	1.051	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	149.209	149.209	29.842	No	0	0	150.429	150.429	30.086	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 018-1 is reported to have a discharge flow rate of 0.289 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 133 mg/L was used in the calculations

4 Discharge data for all parameters are the results of samples obtained from Outfall 020-E at Mine No. 4 (AL0026590), on June 19, 2013.

D

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No : **AL0026590** **OUTFALL 010-1** [1,2,3]

																	Human Health Consumption Fish only (µg/l)			
Freshwater F&W classification.				Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10							Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_r)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Beryllium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	3.949	3.949	0.790	No	0	0	0.398	0.398	0.080	No	-	-	-	-
5	Chromium/ Chromium III			0	0	1005.167	1005.167	201.033	No	0	0	130.752	130.752	26.150	No	-	-	-	
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper			0	0.97	25.823	25.823	5.165	No	0	0.97	16.193	16.193	3.239	No	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	136.142	136.142	27.228	No	0	0	5.305	5.305	1.061	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel			0	9	841.659	841.659	168.332	No	0	9	93.482	93.482	18.696	No	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	10.597	10.597	2.119	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	210.823	210.823	42.165	No	0	0	212.547	212.547	42.509	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 This outfall discharges to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 010-1 has a reported discharge flow rate of 0.146 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 200 mg/L was used in the calculations

4 Discharge data for all parameters are the results of samples obtained from Outfall 020-E at Mine No. 4 (AL0026590), on June 19, 2013.

E

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No.: **AL0026590**

OUTFALLS 016-1 and 019-1 [1,2,3]

				Freshwater F&W classification.													Human Health Consumption Fish only (µg/l) Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
				Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10										
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_t)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_t)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_t)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Berylium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	3.949	3.949	0.790	No	0	0	0.398	0.398	0.080	No	-	-	-	-
5	Chromium/ Chromium III			0	0	1005.167	1005.167	201.033	No	0	0	130.752	130.752	26.150	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper			0	2.95	25.823	25.823	5.165	No	0	2.95	16.193	16.193	3.239	No	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	136.142	136.142	27.228	No	0	0	5.305	5.305	1.061	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel			0	0	841.659	841.659	168.332	No	0	0	93.482	93.482	18.696	No	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	10.597	10.597	2.119	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	210.823	210.823	42.165	No	0	0	212.547	212.547	42.509	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 016-1 is reported to have a discharge flow rate of 0.211 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 200 mg/L was used in the calculations.

4 Discharge data for all parameters are the results of samples obtained from Outfall 016-E at Mine No. 4 (AL0026590), on June 19, 2013.

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No.: **AL0026590** **OUTFALL 024-1** [1,2,3]

				Freshwater F&W classification.						Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Human Health Consumption Fish only (µg/l) Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_t)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_t)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_t)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Beryllium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	3.949	3.949	0.790	No	0	0	0.398	0.398	0.080	No	-	-	-	-
5	Chromium/ Chromium III			0	0	1005.167	1005.167	201.033	No	0	0	130.752	130.752	26.150	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper			0	0	25.823	25.823	5.165	No	0	0	16.193	16.193	3.239	No	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	136.142	136.142	27.228	No	0	0	5.305	5.305	1.061	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel	YES		0	22.11	841.659	841.659	168.332	No	0	22.11	93.482	93.482	18.696	Yes	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	10.597	10.597	2.119	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	210.823	210.823	42.165	No	0	0	212.547	212.547	42.509	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 This outfall discharges to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 024-1 has a reported discharge flow rate of 0.058 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 200 mg/L was used in the calculations.

4 Discharge data for all parameters are the results of samples obtained from Outfall 021-E at Mine No. 4 (AL0026590), on June 19, 2013.

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No: **AL0026590** **OUTFALL 025-1** [1,2,3]

				Freshwater F&W classification.						Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Human Health Consumption Fish only (µg/l) Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_f)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_f)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_f)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Beryllium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	2.657	2.657	0.531	No	0	0	0.300	0.300	0.060	No	-	-	-	-
5	Chromium/ Chromium III			0	0	719.663	719.663	143.933	No	0	0	93.613	93.613	18.723	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper			0	0	17.582	17.582	3.516	No	0	0	11.427	11.427	2.285	No	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	87.970	87.970	17.594	No	0	0	3.428	3.428	0.686	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel	**YES**		0	22.11	595.996	595.996	119.199	No	0	22.11	66.197	66.197	13.239	Yes	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	5.253	5.253	1.051	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	149.209	149.209	29.842	No	0	0	150.429	150.429	30.086	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 025-1 is reported to have a discharge flow rate of 0.024 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 133 mg/L was used in the calculations.

4 Discharge data for all parameters are the results of samples obtained from Outfall 021-E at Mine No. 4 (AL0026590), on June 19, 2013.

G

Facility Name: **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No.: **AL0026590**

OUTFALLS 026-1 through 028-1 [1,2,3]

				Freshwater F&W classification.		Freshwater Acute (µg/l) Q_s =1Q10				Freshwater Chronic (µg/l) Q_s = 7Q10						Human Health Consumption Fish only (µg/l) Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_r)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.30E+06	6.60E+05	No
2	Arsenic		YES	0	0	340.000	2254951.308	450990.262	No	0	0	150.000	1326391.946	265278.389	No	3.03E-01	3.03E-01	6.06E-02	No
3	Beryllium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	1.563	10364.339	2072.868	No	0	0	0.205	1814.678	362.936	No	-	-	-	-
5	Chromium/ Chromium III			0	0	460.216	3052246.824	610449.365	No	0	0	59.865	529359.516	105871.903	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	106115.356	21223.071	No	0	0	11.000	97268.743	19453.749	No	-	-	-	-
7	Copper			1.09	0	10.512	62490.163	12498.033	No	1.09	0	7.167	53739.377	10747.875	No	1.30E+03	1.15E+07	2.30E+06	No
8	Lead			0	0	48.567	322106.592	64421.318	No	0	0	1.893	16735.411	3347.082	No	-	-	-	-
9	Mercury			0	0	2.400	15917.303	3183.461	No	0	0	0.012	106.111	21.222	No	1.40E-01	1.24E+03	2.48E+02	No
10	Nickel			0	22.11	375.556	2490763.572	498152.714	No	0	22.11	41.713	368848.676	73769.735	No	9.93E+02	8.78E+06	1.76E+06	No
11	Selenium			0	0	20.000	132644.195	26528.839	No	0	0	5.000	44213.065	8842.613	No	2.43E+03	2.15E+07	4.30E+06	No
12	Silver			0	0	2.054	13624.654	2724.931	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.42E+03	4.84E+02	No
14	Zinc			0	0	93.955	623126.023	124625.205	No	0	0	94.723	837599.317	167519.863	No	1.49E+04	1.32E+08	2.63E+07	No
15	Cyanide			0	0	22.000	145908.614	29181.723	No	0	0	5.200	45981.587	9196.317	No	9.33E+03	8.25E+07	1.65E+07	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 177.84 cfs. This is the receiving stream flow value used in the calculations

2 Outfall 027-1 is reported to have a discharge flow rate of 0.013 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 77.05 mg/L was used in the calculations.

4 Discharge data for all parameters are the results of samples obtained from Outfall 021-E at Mine No. 4 (AL0026590), on June 19, 2013

H

Facility Name **Jim Walter Resources, Inc. - Mine No. 4**

NPDES No. **AL0026590** **OUTFALLS 037-1 and 038-1** [1,2,3]

																Human Health Consumption Fish only (µg/l)			
Freshwater F&W classification.				Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant (C_{dmax}) [4]	Water Quality Criteria (C_r)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_r)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0	340.000	340.000	68.000	No	0	0	150.000	150.000	30.000	No	3.03E-01	3.03E-01	6.06E-02	No
3	Beryllium			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
4	Cadmium			0	0	3.949	3.949	0.790	No	0	0	0.398	0.398	0.080	No	-	-	-	-
5	Chromium/ Chromium III			0	0	1005.167	1005.167	201.033	No	0	0	130.752	130.752	26.150	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper			0	0	25.823	25.823	5.165	No	0	0	16.193	16.193	3.239	No	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	136.142	136.142	27.228	No	0	0	5.305	5.305	1.061	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	1.40E-01	1.40E-01	2.81E-02	No
10	Nickel	**YES**		0	22.11	841.659	841.659	168.332	No	0	22.11	93.482	93.482	18.696	Yes	9.93E+02	9.93E+02	1.99E+02	No
11	Selenium			0	0	20.000	20.000	4.000	No	0	0	5.000	5.000	1.000	No	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	10.597	10.597	2.119	No	0	0	-	-	-	-	-	-	-	-
13	Thallium			0	0	-	-	-	-	0	0	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	No
14	Zinc			0	0	210.823	210.823	42.165	No	0	0	212.547	212.547	42.509	No	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 These outfalls discharge to a receiving stream where the 7Q10 is 0.0 cfs. This is the receiving stream flow value used in the calculations.

2 Outfall 038-1 is reported to have a discharge flow rate of 0.097 MGD. This is the discharge flow rate used in the calculations.

3 A hardness of 200 mg/L was used in the calculations.

4 Discharge data for all parameters are the results of samples obtained from Outfall 021-E at Mine No. 4 (AL0026590), on June 19, 2013.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

Background TSS Loading Calculations
Jim Walter Resources, Inc. - Mine No. 4 (AL0026590)

Action	Outfall	Receiving Water	ADEM WUC	Latitude	Longitude	Distance to Receiving Water	Disturbed Acres	Drainage Acres	Drainage mi^2	303(d) segment	Ecoregion	Ecoregion Reference TSS (mg/L)	Annual Average Flow (cfs/mi^2)	Annual TSS Loading (ton/yr)
Reissue	007-1	UT to Horn Creek	F&W	33.32722	87.34472	1000	55	55	0.08594	N	68f	14	1.77	2.10
Reissue	008-1	UT to Horn Creek	F&W	33.34722	87.33639	100	5	5	0.00781	N	68f	14	1.77	0.19
Reissue	009-1	UT to Horn Creek	F&W	33.34722	87.33722	100	5	5	0.00781	N	68f	14	1.77	0.19
Reissue	012-1	UT to Horn Creek	F&W	33.34750	87.34028	3100	90	106	0.16563	N	68f	14	1.77	4.04
Reissue	014-1	Oswalt Creek	F&W	33.36167	87.34000	800	5	5	0.00781	N	68f	14	1.77	0.19
Reissue	018-1	UT to Horn Creek	F&W	33.34583	87.34528	0	98	496	0.77500	N	68f	14	1.77	18.90
Issue	025-1	UT to Hurricane Creek	F&W	33.38583	87.37500	200	10	41	0.06406	N	68f	14	1.77	1.56
Issue	032-1	UT to Oswalt Creek	F&W	33.36056	87.36306	1390	1	1	0.00156	N	68f	14	1.77	0.04
						Sum	269	714	1.11563					

	Total Annual TSS Loading	27.21 ton/yr

Annual TSS Loading calculated using this equation

$$(flow)\frac{cfs}{mi^2} \times (area)\, mi^2 \times \frac{14\ mg}{L} \times \frac{28.317\ L}{ft^3} \times \frac{60\ s}{min} \times \frac{60\ min}{hr} \times \frac{24\ hr}{day} \times \frac{365\ d}{yr} \times \frac{1\ g}{1000\ mg} \times \frac{2.2046\ lb}{1000\ g} \times \frac{1\ ton}{2000 lb} = (mass)\frac{ton}{yr}$$

R# 14-30945.00 $3,360.00
R# 11-19215.00 $3,200.00

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
NPDES INDIVIDUAL PERMIT APPLICATION

SURFACE & UNDERGROUND MINERAL & ORE OR MINERAL PRODUCT MINING, QUARRYING, EXCAVATION, BORROWING, HYDRAULIC MINING, STORAGE, PROCESSING, PREPARATION, RECOVERY, HANDLING, LOADING, STORING, OR DISPOSING ACTIVITIES AND ASSOCIATED AREAS INCLUDING PRE-MINING SITE DEVELOPMENT, CONSTRUCTION, EXCAVATION, CLEARING, DISTURBANCE, RECLAMATION, AND ASSOCIATED AREAS

C. Gamble $650.00

INSTRUCTIONS: PLEASE READ THE ACCOMPANYING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM. COMPLETE ALL QUESTIONS. RESPOND WITH "N/A" AS APPROPRIATE. INCOMPLETE OR INCORRECT ANSWERS OR MISSING SIGNATURES WILL DELAY PROCESSING. ATTACH ADDITIONAL COMMENTS OR INFORMATION AS NEEDED. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. COMMENCEMENT OF ACTIVITIES APPLIED FOR AS DETAILED IN THIS APPLICATION ARE NOT AUTHORIZED UNTIL PERMIT COVERAGE HAS BEEN ISSUED BY THE DEPARTMENT.

PLEASE TYPE OR PRINT IN INK ONLY.

PURPOSE OF THIS APPLICATION

☐ Initial Permit Application for New Facility ☐ Initial Permit Application for Existing Facility (e.g. facility previously permitted less than 5 acres)
☐ Modification of Existing Permit ☐ Reissuance of Existing Permit ☒ Reissuance & Modification Existing Permit
☐ Reissuance & Transfer of Existing Permit ☐ Revocation and Reissuance of Existing Permit ☐ Other _____

I. GENERAL INFORMATION

NPDES Permit Number (Not applicable if initial permit application):	County(s) in which Facility is Located:
*AL*0026590	Tuscaloosa

Company/Permittee Name:			Facility Name (*e.g.*, Mine Name, Pit Name, *etc.*):		
Jim Walter Resources, Inc.			Mine No. 4		
Mailing Address of Company/Permittee:			Physical Address of Facility (as near as possible to entrance):		
16243 Highway 216			14730 Lock 17 Road		
City:	State:	Zip:	City:	State:	Zip:
Brookwood	AL	35444	Brookwood	AL	35444
Permittee Phone Number:	Permittee Fax Number:		Latitude and Longitude of entrance:		
205-554-6150	205-554-6149		Lat - 33° 19' 49", Lon - 87° 19' 32"		

Responsible Official (as described on page 13 of this application):			Responsible Official Title:		
Richard A. Donnelly			President & Chief Operating Officer		
Mailing Address of Responsible Official:			Physical Address of Responsible Official:		
16243 Highway 216			16243 Highway 216		
City:	State:	Zip:	City:	State:	Zip:
Brookwood	AL	35444	Brookwood	AL	35444
Phone Number of Responsible Official:	Fax Number of Responsible Official:		Email Address of Responsible Official:		
205-554-6107	205-554-6149		rich.donnelly@walterenergy.com		

Facility Contact:			Facility Contact Title:	
Jeffery H. Stricklin			Senior Environmental Engineer	
Physical Address of Facility Contact:			Phone Number of Facility Contact:	Fax Number of Facility Contact:
16243 Highway 216			205-554-6297	205-554-6149
City:	State:	Zip:	Email Address of Facility Contact:	
Brookwood	AL	35444	jeff.stricklin@walterenergy.com	

OCT 2 '10

II. MEMBER INFORMATION

A. Identify the name, title/position, and unless waived in writing by the Department, the residence address of every officer, general partner, LLP partner, LLC member, investor, director, or person performing a function similar to a director, of the applicant, and each person who is the record or beneficial owner of 10 percent or more of any class of voting stock of the applicant, or any other responsible official(s) of the applicant with legal or decision making responsibility or authority for the facility:

Name:	Title/Position:	Physical Address of Residence (P.O. Box is Not Acceptable)
See Attachment II-A		

B. Other than the "Company/Permittee" listed in Part I., identify the name of each corporation, partnership, association, and single proprietorship for which any individual identified in Part II.A. is or was an officer, general partner, LLP partner, LLC member, investor, director, or individual performing a function similar to a director, or principal (10% or more) stockholder, that had an Alabama NPDES permit at any time during the five year (60 month) period immediately preceding the date on which this form is signed:

Name of Corporation, Partnership, Association, or Single Proprietorship:	Name of Individual from Part II.A.:	Title/Position in Corporation, Partnership, Association, or Single Proprietorship:
See Attachment II-B		

III. LEGAL STRUCTURE OF APPLICANT

A. Indicate the legal structure of the "Company/Permittee" listed in Part I:

☒ Corporation ☐ Association ☐ Individual ☐ Single Proprietorship ☐ Partnership ☐ LLP ☐ LLC

☐ Government Agency: _____ ☐ Other: _____

B. If not an individual or single proprietorship, is the "Company/Permittee" listed in Part I. properly registered and in good standing with the Alabama Secretary of State's Office? (If the answer is "No," attach a letter of explanation.) ☒ Yes ☐ No

C. Parent Corporation and Subsidiary Corporations of Applicant, if any: Walter Energy, Inc.

D. Land Owner(s): Jim Walter Resources, Inc., Walter Minerals, Inc., Shook Estate, Walter Minerals

E. Mining Sub-contractor(s)/Operator(s), if known: N/A

IV. COMPLIANCE HISTORY

A. Has the applicant ever had any of the following:

	Yes	No
(1) An Alabama NPDES, SID, or UIC permit suspended or terminated?	☐	☒
(2) An Alabama license to mine suspended or revoked?	☐	☒
(3) An Alabama or federal mining permit suspended or terminated?	☐	☒
(4) A reclamation bond, or similar security deposited in lieu of a bond, or portion thereof, forfeited?	☐	☒
(5) A bond or similar security deposited in lieu of a bond, or portion thereof, the purpose of which was to secure compliance with any requirement of the Alabama Water Improvement Commission or Alabama Department of Environmental Management, forfeited?	☐	☒

(If the response to any item of Part IV.A. is "Yes," attach a letter of explanation.)

B. Identify every Warning Letter, Notice of Violation (NOV), Administrative Action, or litigation issued to the applicant, parent corporation, subsidiary, general partner, LLP partner, or LLC member and filed by ADEM or EPA during the three year (36 months) period preceding the date on which this form is signed. Indicate the date of issuance, briefly describe alleged violations, list actions (if any) to abate alleged violations, and indicate date of final resolution:

See Attachment IV-B

Jim Walter Resources. Inc.

Employer ID No.:
59-2981186

Place and Date of Incorporation:
Alabama, September 21, 1988

Subsidiary Information:

- Subsidiary of Walter Energy, Inc.

Notes:

- Incorporated as JW Resources, Inc. on Sept. 21, 1988
- Merged with JW Resources, Inc. and changed name to Jim Walter Resources, Inc. on March 26, 1991

Notes:

Changes in Organizational structure including officers and directors requires amendment to Oil & Gas Board form OGB-5 and Alabama Surface Mining Form.

Address and Telephone Number:
16243 Highway 216
Brookwood, AL 35444
Ph: 205/554-6150

Registered Agent
The Corporation Trust Company
Registered Office
2 North Jackson Street, Suite 605
Montgomery, AL 36104

Directors:
Robert P. Kerley
William G. Harvey (Feb. 12, 2013)

Officers and Title:

Richard Donnelly	President and Chief Operating Officer
Robert Kerley	Vice President and Controller
Michael T. Madden	Vice President – Marketing and Transportation
Kelli Gant	Vice President
Kevin Harrigan	Vice President
Tayfun (Ty) Zehir	Vice President – Marketing (March 7, 2012)
Craig Brasfield	Senior Director of Asset Management (Sept. 1, 2013)
Michael R. Hurley	Vice President - Tax
Earl Doppelt	Secretary
Michael Griffin	Treasurer (Feb. 12, 2013)
Guy Hensley	Assistant Secretary

Location of Minute Book:
3000 Riverchase Galleria
Birmingham, AL 35244

Preparation of Annual Resolutions and Annual Filings:

Annual Reports: Jamey Ramsey, US Tax Manager

Location of Share Certificates:

Share certificate #3 for 1000 shares registered in the name of Walter Energy, Inc. pledged to Morgan Stanley

Issued and Outstanding: 1,000 shares

Changes in Officers/Directors:

Walter J. Scheller	(Director through Feb. 12, 2013)
Thomas E. McNider	(Director through Feb. 12, 2013)
Michael Griffin	(Assistant Treasurer through Feb. 12, 2013)
Rodney Camp	(Vice President through March 14, 2013)
Gregory H. Dean	(CFO and Vice President through Aug. 23, 2013)
Fred Kozel	(Vice President through Aug. 31, 2013)

Updated as of 09.11.13

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
3 YEAR VIOLATION HISTORY

Attachment IV-B

JIM WALTER RESOURCES, INC.

P-3222 North River Mine

INJECTION WELL #R17 SLURRY SPILL

DATE: JULY 15, 2011
TYPE: SLURRY SPILL AT INJECTION WELL #R17. ON JULY 15, 2011, COAL PREP PLANT SLURRY WAS OBSERVED TO BE OVERFLOWING FROM THE INJECTION WELL. THE UNPERMITTED DISCHARGES WAS STOPPED AT APPROXIMATELY 11:30 A.M. ON JULY 15, 2011, WHEN THE COAL PREPARATION PLANT WAS SHUT DOWN. INSPECTIONS ON JULY 15TH AND 19TH 2011, SHOWED SLURRY IN U.T. TO FREEMAN CREEK, FREEMAN CREEK, AND NORTH RIVER.

PROGRESS REPORT: AS OF 11-15-11, THE WELL HAS BEEN CAPPED AND CLEANUP EFFORTS HAVE BEEN COMPLETED IN ALL DISTURBED AREAS. WATER MONITORING WILL CONTINUE UNTIL FURTHER NOTICE.

P-3257 Mine # 3

Outfall 002 TSS = 78 mg/L 11/30/2010
Excessive rains prior to taking a sample are believed to have caused a spike in the TSS concentration. BMP's will be used to help reduce the solids load entering the upstream pond.

CONSENT ORDER 13-008-CWP Outfalls 001, 002, 004, 005, 006, 007, 008, 009, 010, 011 & 012: Waiving permit limits for arsenic but requiring monthly monitoring of arsenic. Arsenic results submitted to ADEM on 6-27-2013.

P-3260 Mine # 4

Outfall 014 TSS = 246 mg/L 4/19/2012
Due to flooding in the mine, water is being pumped from underground. The underground water contributed to the exceedance. The outfall is being monitored and BMPs will be implemented if necessary.

Outfall 013 TSS = 330 mg/L 6/5/2012
Outfall 013 Fe = 7.75 mg/L 6/5/2012
A contractor spilled sediment into the pond near the outfall. The contractor removed the sediment and water to the pond is being diverted in order to reduce the amount of discharge.

Outfall 014 TSS = 125 mg/L 6/18/2012
Due to flooding in the mine, water is being pumped from underground. The underground water contributed to the exceedance. The outfall is being monitored and BMPs will be implemented if necessary.

Notice of violation
Outfalls 001, 013, 014 & 018 9/6/2012
Failure to meet discharge limitations

P-3247 Mine # 7

Outfall 002 TSS = 90 mg/L 12/21/2011
Sediment ponds upstream are full and heavy rain occurred approximately 2 hours before sample obtained. Sediment ponds up stream will be cleaned and monitored closely.

Outfall 002 TSS = 87 mg/L 11/16/2012
Sediment ponds upstream are full and heavy rain occurred approximately 2 hours before sample obtained. Sediment ponds up stream will be cleaned and monitored closely.

V. OTHER PERMITS/AUTHORIZATIONS

A. List any other NPDES or other environmental permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, Alabama Surface Mining Commission (ASMC), Alabama Department of Industrial Relations (ADIR), or other agency, to the applicant, parent corporation, subsidiary, or LLC member for this facility whether presently effective, expired, suspended, revoked, or terminated:

ALSI9963634, ASMC P-3260, MSHA ID 01-01247

B. List any other NPDES or other ADEM permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, ASMC, or ADIR, to the applicant, parent corporation, subsidiary, or LLC member for other facilities whether presently effective, expired, suspended, revoked, or terminated:

ASMC: P-3257, P-3256, P-3247, P-3259, P-3258, P3255, P-3199, P-3222 NPDES AL0021971, AL0029475, AL0026590, AL0003263, AL0003255, AL0071528 MSHA ID01-00758, 01-01322, 01-01401, 01-00327, 01-01266, ADEM UIC ALSI9963636, ALSI9963512, ALSI9937513

VI. PROPOSED SCHEDULE

Anticipated Activity Commencement Date: 1976 Anticipated Activity Completion Date: 2020

VII. ACTIVITY DESCRIPTION & INFORMATION

A. Proposed Total Area of the Permitted Site: 2837 acres Proposed Total Disturbed Area of the Permitted Site: 2156 acres

B. Township(s), Range(s), Section(s): T19S, R7W, SECTIONS 19, 29 & 31
T19S, R8W, SECTIONS 5, 6, 9, 18, 24, 25, 26, 27, 35 & 36
T20S, R7W, SECTION 6
T20S, R8W, SECTIONS 1, 2, 3, 8, 9, 11, 12 & 16

C. Detailed Directions to Site: Co. Rd 59 from Brookwood to No. 4 Mine. Secondary road approx. 0.5 miles past No. 4. See topo map

D. Is/ will this facility:

		Yes	No
(1)	an existing facility which currently results in discharges to State waters?	☒	☐
(2)	a proposed facility which will result in a discharge to State waters?	☐	☒
(3)	be located within any 100-year flood plain?	☐	☒
(4)	discharge to Municipal Separate Storm Sewer?	☐	☒
(5)	discharge to waters of or be located in the Coastal Zone?	☐	☒
(6)	need/have ADEM UIC permit coverage?	☒	☐
(7)	be located on Indian/ historically significant lands?	☐	☒
(8)	need/have ADEM SID permit coverage?	☐	☒
(9)	need/have ASMC permit coverage?	☒	☐
(10)	need/have ADIR permit coverage?	☐	☒
(11)	generate, treat, store, or dispose of hazardous or toxic waste ? (If "Yes," attach a detailed explanation.)	☐	☒
(12)	be located in or discharge to a Public Water Supply (PWS) watershed or be located within ½ mile of any PWS well?	☒	☐

VIII. MATERIAL TO BE REMOVED, PROCESSED, OR TRANSLOADED

List relative percentages of the mineral(s) or mineral product(s) that are proposed to be and/or are currently mined, quarried, recovered, prepared, processed, handled, transloaded, or disposed at the facility. **If more than one mineral is to be mined, list the relative percentages of each mineral by tonnage for the life of the mine.**

____Dirt &/or Chert	____Sand &/or Gravel	____Chalk	____Talc	____Crushed rock (other)
____Bentonite	____Industrial Sand	____Marble	____Shale &/or Common Clay	____Sandstone
100% Coal	____Kaolin	____Coal fines/refuse recovery	____Coal product, coke	____Slag, Red Rock
____Fire clay	____Iron ore	____Dimension stone	____Phosphate rock	____Granite
____Bauxitic Clay	____Bauxite Ore	____Limestone, crushed limestone and dolomite		

____ Gold, other trace minerals:____ ____Other:____

____Other:____ ____Other:____

____Other:____ ____Other:____

IX. PROPOSED ACTIVITY TO BE CONDUCTED

A. Type(s) of activity presently conducted at applicant's existing facility or proposed to be conducted at facility (check all that apply):

- ☐ Surface mining
- ☒ Underground mining
- ☐ Quarrying
- ☐ Auger mining
- ☐ Hydraulic mining
- ☐ Within-bank mining
- ☐ Solution mining
- ☒ Mineral storing
- ☐ Lime production
- ☐ Cement production
- ☐ Synthetic fuel production
- ☐ Alternative fuels operation
- ☒ Mineral dry processing (crushing & screening)
- ☒ Mineral wet preparation
- ☐ Other beneficiation & manufacturing operations
- ☒ Mineral loading
- ☐ Chemical processing or leaching
- ☐ Construction related temporary borrow pits/areas
- ☒ Mineral transportation _X_ rail _X_ barge _X_ truck
- ☒ Preparation plant waste recovery
- ☐ Hydraulic mining, dredging, instream or between stream-bank mining
- ☒ Grading, clearing, grubbing, *etc.*
- ☐ Pre-construction ponded water removal
- ☒ Excavation
- ☒ Pre-mining logging or land clearing
- ☐ Waterbody relocation or other alteration
- ☐ Creek/stream crossings
- ☒ Onsite construction debris or equipment storage/disposal
- ☒ Onsite mining debris or equipment storage/disposal
- ☒ Reclamation of disturbed areas
- ☐ Chemicals used in process or wastewater treatment (coagulant, biocide, etc.)
- ☐ Adjacent/associated asphalt/concrete plant(s)
- ☐ Low volume sewage treatment package plant
- ☐ Other: _____

B. Primary SIC Code: 1222 Description: Underground Bituminous Coal Mine Operation

Secondary SIC Code(s): _____ Description: _____

C. Narrative Description of the Activity: Underground coal mining using continous miner and longwall methods, coal preparation and shipping

X. FUEL – CHEMICAL HANDLING, STORAGE & SPILL PREVENTION CONTROL & COUNTERMEASURES (SPCC) PLAN

A. Will fuels, chemicals, compounds, or liquid waste be used or stored onsite? ☒ Yes ☐ No

B. If "Yes," identify the fuel, chemicals, compounds, or liquid waste and indicate the volume of each:

Volume	*Contents*	*Volume*	*Contents*	*Volume*	*Contents*
29,000 gallons	DIESEL FUEL	500 gallons	GASOLINE	6,000 gallons	FLOCCULANT
8000 gallons	OIL	6,000 gallons	FROTHER	2,000 gallons	USED OIL
6,000 gallons	COREX (Dust Suppressant)				

C. If "Yes," a detailed SPCC Plan with acceptable format and content, including diagrams, must be attached to application in accordance with ADEM Admin. Code R. 335-6-6-.12(r). Unless waived in writing by the Department on a programmatic, categorical, or individual compound/chemical basis, Material Safety Data Sheets (MSDS) for chemicals/compounds used or proposed to be used at the facility must be included in the SPCC Plan submittal.

XI. POLLUTION ABATEMENT & PREVENTION (PAP) PLAN

A. For non-coal mining facilities, a PAP Plan in accordance with ADEM Admin. Code r. 335-6-9-.03 has been completed and is attached as part of this application. ☐ Yes ☐ No

B. For coal mining facilities, a detailed PAP Plan has been submitted to ASMC according to submittal procedures for ASMC regulated facilities. ☒ Yes ☐ No

(1) If "Yes" to Part XI.B., provide the date that the PAP Plan was submitted to ASMC: October, 2002

(2) If "No" to Part XI.B., provide the anticipated date that the PAP Plan will be submitted to ASMC: _____

XII. TOPOGRAPHIC MAP SUBMITTAL

Attach to this application a 7.5 minute series U.S.G.S. topographic map(s) or equivalent map(s) no larger than, or folded to a size of 8.5 by 11 inches (several pages may be necessary), of the area extending to at least one mile beyond property boundaries. The topographic or equivalent map(s) must include a caption indicating the name of the topographic map, name of the applicant, facility name, county, and township, range, & section(s) where the facility is located. Unless approved in advance by the Department, the topographic or equivalent map(s), at a minimum, must show:

(a) An outline of legal boundary of entire property (property lines and lease boundaries)
(b) An outline of the facility
(c) All existing and proposed disturbed areas
(d) Location of discharge areas
(e) Proposed and existing discharge points
(f) Perennial, intermittent, and ephemeral streams
(g) Lakes, springs, water wells, wetlands
(h) All known facility dirt/improved access/haul roads
(i) All surrounding unimproved/improved roads
(j) High-tension power lines and railroad tracks
(k) Buildings and structures, including fuel/water tanks
(l) Contour lines, township-range-section lines
(m) Drainage patterns, swales, washes
(n) All drainage conveyance/treatment structures (ditches, berms, etc.)
(o) Any other pertinent or significant feature

XIII. DETAILED FACILITY MAP SUBMITTAL

Attach to this application a 1:500 scale or better, detailed auto-CAD map(s) or equivalent map(s) no larger than, or folded to a size of 8.5 by 11 inches (several pages may be necessary), of the facility. The facility map(s) must include a caption indicating the name of the facility, name of the applicant, facility name, county, and township, range, & section(s) where the facility is located. Unless approved in advance by the Department, the facility or equivalent map(s), at a minimum, must show:

(a) Information listed in Item XII (a) – (o) above
(b) If noncoal, detailed, planned mining progression
(c) If noncoal, location of topsoil storage areas
(d) Location of ASMC bonded increments (if applicable)
(e) Location of mining or pond cleanout waste storage/disposal areas
(f) Other information relevant to facility or operation
(g) Location of facility sign showing Permittee name, facility name, and NPDES Number

XIV. RECEIVING WATERS

List the requested permit action for each outfall (issue, reissue, add, delete, move, etc.), outfall designation including denoting "E" for existing and "P" for proposed outfalls, name of receiving water(s), whether or not the stream is included in a TMDL, latitude and longitude (to seconds) of location(s) that run-off enters the receiving water, distance of receiving water from outfall in feet, number of disturbed acres, the number of drainage acres which will drain through each treatment system, outfall, or BMP, and if the outfall discharges to an ADEM listed CWA Section 303(d) waterbody segment at the time of application submittal.

Action	Outfall E/P	Receiving Water	Latitude	Longitude	Distance to Rec. Water	Disturbed Acres	Drainage Acres	ADEM WUC	303(d) Segment (Y/N)	TMDL Segment* (Y/N)
Reissue	001E	Trib. to Bluff Creek	33°19'08"	87°20'24"	1000 ft	100	500	F&W	N	N
Reissue	002E	Trib. to Bluff Creek	33°19'40"	87°21'25"	500 ft	6	6	F&W	N	N
Reissue	003E	Trib. to Bluff Creek	33°19'08"	87°20'59"	400 ft	40	40	F&W	N	N
Reissue	004P	Trib. to Bluff Creek	33°19'05"	87°21'07"	Directly	90	350	F&W	N	N
Reissue	005E	Trib. to Bluff Creek	33°19'14"	87°20'46"	400 ft	40	40	F&W	N	N
Reissue	006E	Trib. to Black Branch	33°20'23"	87°18'58"	2800 ft	55	55	F&W	N	N
Reissue	007E	Trib. to Horn Creek	33°20'41"	87°19'34"	1000 ft	55	55	F&W	N	N
Reissue	008E	Trib. to Horn Creek	33°20'50"	87°20'11"	100 ft	5	5	F&W	N	N
Reissue	009E	Trib. to Horn Creek	33°20'50"	87°20'14"	100 ft	5	5	F&W	N	N
Reissue	010E	Trib. to Daniel Creek	33°18'51"	87°19'45"	Directly	200	250	F&W	N	N
Reissue	011E	Trib. to Bluff Creek	33°19'29"	87°20'44"	Directly	168	168	F&W	N	N
Reissue	012E	Trib. to Horn Creek	33°20'51"	87°20'25"	3100 ft	90	106	F&W	N	N
Reissue	013E	Trib. to Bluff Creek	33°18'57"	87°20'33"	Directly	150	264	F&W	N	N
Reissue	014E	Oswalt Creek	33°21'42"	87°20'24"	800 ft	5	5	F&W	N	N
Reissue	015E	Cane Creek	33°21'01"	87°18'17"	2400 ft	1	1	F&W	N	N
Reissue	016E	Trib. to Black Branch	33°19'52"	87°18'39"	600 ft	200	362	F&W	N	N
Reissue	017E	Cane Creek	33°21'18"	87°17'58"	100 ft	1	1	F&W	N	N
Reissue	018E	Trib. to Horn Creek	33°20'45"	87°20'43"	Directly	98	496	F&W	N	N
Reissue	019E	Trib. to Black Branch	33°20'00"	87°18'14"	100 ft	21	26	F&W	N	N
Reissue	020E	Trib. to Bluff Creek	33°19'51"	87°21'07"	Directly	130	144	F&W	N	N
Reissue	021E	Trib. to Bluff Creek	33°19'46"	87°21'06"	630 ft	70	80	F&W	N	N
Reissue	022P	Trib. to Bluff Creek	33°19'49"	87°21'11"	100 ft	5	10	F&W	N	N
Reissue	023E	Trib. to Black Warrior	33°18'56"	87°23'23"	Directly	90	150	F&W	N	N
Reissue	024E	Trib. to Daniel Creek	33°18'22"	87°22'50"	Directly	55	100	F&W	N	N
Add	025P	Trib. To Hurricane Ck	33°23'09"	87°22'30"	200'	10	41	F&W	N	N
Add	026P	Warrior River	33°25'20"	87°23'35"	800'	3	9	F&W	N	N
Add	027P	Warrior River	33°25'22"	87°23'37"	920'	13	22	F&W	N	N
Add	028P	Warrior River	33°25'27"	87°23'43"	2000'	12	12	F&W	N	N
Add	029P	U.T. to Warrior River	33°25'03"	87°23'59"	1350'	4	10	F&W	N	N
Add	030P	U.T. to Davis Creek	33°22'00"	87°19'27"	500'	197	197	F&W	N	N
Add	031P	U.T. to Davis Creek	33°22'19"	87°18'42"	1120'	63	63	F&W	N	N
Add	032P	U.T. to Oswalt Creek	33°21'38"	87°21'47"	1390'	1	1	F&W	N	N
Add	033P	U.T. to Warrior River	33°23'56"	87°22'53"	650'	3	3	F&W	N	N

*If a TMDL Compliance Schedule is requested, the following should be attached as supporting documentation: (1) Justification for the requested Compliance Schedule (e.g. time for design and installation of control equipment, etc.); (2) Monitoring results for the pollutant(s) of concern which have not previously been submitted to the Department (sample collection dates, analytical results (mass and concentration), methods utilized, MDL/ML, etc. should be reported as available); (3) Requested interim limitations, if applicable; (4) Date of final compliance with the TMDL limitations; and (5) Any other additional information available to support the requested compliance schedule.

SEP - 5 2014

XIV. RECEIVING WATERS

List the requested permit action for each outfall (issue, reissue, add, delete, move, etc.), outfall designation including denoting "E" for existing and "P" for proposed outfalls, name of receiving water(s), whether or not the stream is included in a TMDL, latitude and longitude (to seconds) of location(s) that run-off enters the receiving water, distance of receiving water from outfall in feet, number of disturbed acres, the number of drainage acres which will drain through each treatment system, outfall, or BMP, and if the outfall discharges to an ADEM listed CWA Section 303(d) waterbody segment at the time of application submittal.

Action	Outfall E/P	Receiving Water	Latitude	Longitude	Distance to Rec. Water	Disturbed Acres	Drainage Acres	ADEM WUC	303(d) Segment (Y/N)	TMDL Segment* (Y/N)
Add	034P	Cane Creek	33°21'15"	87°18'16"	225'	17	17	F&W	N	N
Add	035P	Cane Creek	33°21'06"	87°18'32"	1125'	36	36	F&W	N	N
Add	036P	UT to Cane Creek	33°21'04"	87°18'10"	Directly	51	51	F&W	N	N
Add	037P	Black Branch	33°20'26"	87°17'42"	1085'	32	32	F&W	N	N
Add	038P	UT to Black Branch	33°20'20"	87°17'51"	Directly	166	166	F&W	N	N

*If a TMDL Compliance Schedule is requested, the following should be attached as supporting documentation: (1) Justification for the requested Compliance Schedule (e.g. time for design and installation of control equipment, etc.); (2) Monitoring results for the pollutant(s) of concern which have not previously been submitted to the Department (sample collection dates, analytical results (mass and concentration), methods utilized, MDL/ML, etc. should be reported as available); (3) Requested interim limitations, if applicable; (4) Date of final compliance with the TMDL limitations; and (5) Any other additional information available to support the requested compliance schedule.

XV. DISCHARGE CHARACTERIZATION

A. Modified EPA Form 2C Submittal

☐ Yes, pursuant to 40 CFR 122.21, the applicant requests a waiver for completion of the modified EPA Form 2C and certifies that the operating facility will discharge treated stormwater only, unless waived in writing by the Department on a programmatic, categorical, or individual compound/chemical basis that chemical/compound additives are not used, and that there are no process, manufacturing, or other industrial operations or wastewaters, including but not limited to lime or cement production, synfuel operations, *etc.*, and that coal and coal products are not mined nor stored onsite.

☒ No, the applicant does not request a waiver and a complete modified EPA Form 2C is attached.

FEB 2 2 20[illegible]

B. The applicant is required to supply the following information separately for every P or E outfall. If necessary, attach extra sheets. List expected average daily discharge flow rate in cfs and gpd, frequency of discharge in hours per day and days per month, average summer and winter temperature of discharge(s) in degrees centigrade (C), average pH in standard units, average daily discharge in pounds per day of BOD_5, Total Suspended Solids, Total Iron, Total Manganese, and Total Aluminum (if bauxite or bauxitic clay):

Outfall E/P	Information Source - # of Samples	Flow cfs	Flow gpd	Frequency hours/day	Frequency days/mth	Sum/Win Temp, °C	pH s.u.	BOD_5 lbs/day	TSS lbs/day	Tot Fe lbs/day	Tot Mn lbs/day	Tot Al lbs/day
001E	BPE	0.450	291k	Precipitation	Precipitation	26/7	7.00	0.97	48.6	0.729	0.243	0.0006
002E	BPE	0.005	3k	Precipitation	Precipitation	26/7	7.00	0.01	0.6	0.009	0.003	0.0006
003E	BPE	0.036	23k	Precipitation	Precipitation	26/7	7.00	0.08	3.9	0.058	0.019	0.0006
004P	BPE	0.315	204k	Precipitation	Precipitation	26/7	7.00	0.68	34.0	0.510	0.170	0.0006
005E	BPE	0.036	23k	Precipitation	Precipitation	26/7	7.00	0.08	3.9	0.058	0.019	0.0006
006E	BPE	0.050	32k	Precipitation	Precipitation	26/7	7.00	0.11	5.3	0.080	0.027	0.0006
007E	BPE	0.050	32k	Precipitation	Precipitation	26/7	7.00	0.11	5.3	0.080	0.027	0.0006
008E	BPE	0.005	3k	Precipitation	Precipitation	26/7	7.00	0.01	0.5	0.007	0.002	0.0006
009E	BPE	0.005	3k	Precipitation	Precipitation	26/7	7.00	0.01	0.5	0.007	0.002	0.0006
010E	BPE	0.225	146k	Precipitation	Precipitation	26/7	7.00	0.49	24.3	0.365	0.122	0.0006
011E	BPE	0.151	98k	Precipitation	Precipitation	26/7	7.00	0.33	16.3	0.245	0.082	0.0006
012E	BPE	0.095	62k	Precipitation	Precipitation	26/7	7.00	0.21	10.3	0.155	0.052	0.0006
013E	BPE	0.238	154k	Precipitation	Precipitation	26/7	7.00	0.51	25.7	0.385	0.128	0.0006
014E	BPE	0.005	3k	Precipitation	Precipitation	26/7	7.00	0.01	0.5	0.007	0.002	0.0006
015E	BPE	0.001	1k	Precipitation	Precipitation	26/7	7.00	0.00	0.1	0.001	0.000	0.0006
016E	BPE	0.326	211k	Precipitation	Precipitation	26/7	7.00	0.70	35.2	0.528	0.176	0.0006
017E	BPE	0.001	1k	Precipitation	Precipitation	26/7	7.00	0.00	0.1	0.001	0.000	0.0006
018E	BPE	0.446	289k	Precipitation	Precipitation	26/7	7.00	0.96	48.2	0.723	0.241	0.0006
019E	BPE	0.023	15k	Precipitation	Precipitation	26/7	7.00	0.05	2.5	0.038	0.013	0.0006
020E	BPE	0.130	84k	Precipitation	Precipitation	26/7	7.00	0.28	14.0	0.210	0.070	0.0006
021E	BPE	0.072	47k	Precipitation	Precipitation	26/7	7.00	0.16	7.8	0.117	0.039	0.0006
022P	BPE	0.009	6k	Precipitation	Precipitation	26/7	7.00	0.02	1.0	0.015	0.005	0.0006
023E	BPE	0.135	87k	Precipitation	Precipitation	26/7	7.00	0.29	14.6	0.219	0.073	0.0006
024E	BPE	0.090	58k	Precipitation	Precipitation	26/7	7.00	0.19	9.7	0.146	0.049	0.0006
025P	BPE	0.037	24k	Precipitation	Precipitation	26/7	7.00	0.08	4.0	0.060	0.020	0.0006
026P	BPE	0.008	5k	Precipitation	Precipitation	26/7	7.00	0.02	0.9	0.013	0.004	0.0006
027P	BPE	0.020	13k	Precipitation	Precipitation	26/7	7.00	0.04	2.1	0.032	0.011	0.0006
028P	BPE	0.011	7k	Precipitation	Precipitation	26/7	7.00	0.02	1.2	0.018	0.006	0.0006
029P	BPE	0.009	6k	Precipitation	Precipitation	26/7	7.00	0.02	1.0	0.015	0.005	0.0006
030P	BPE	0.177	115k	Precipitation	Precipitation	26/7	7.00	0.38	19.2	0.287	0.096	0.0006
031P	BPE	0.057	37k	Precipitation	Precipitation	26/7	7.00	0.12	6.1	0.092	0.031	0.0006
032P	BPE	0.001	1k	Precipitation	Precipitation	26/7	7.00	0.00	0.1	0.001	0.000	0.0006
033P	BPE	0.003	2k	Precipitation	Precipitation	26/7	7.00	0.01	0.3	0.004	0.001	0.0006

C. The applicant is required to supply the following information separately for every P or E outfall. If necessary, attach extra sheets. Identify and list expected average daily discharge in pounds per day of any other pollutant(s) listed in EPA Form 2C, Item V – Intake And Effluent Characteristics, Parts A, B, & C that are not referenced in Part XV.B., that you know is present or have reason to believe could be present in the discharge(s) at levels of concern:

Outfall E/P	Reason Believed Present	Information Source - # of Samples									
			lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day

XV. DISCHARGE CHARACTERIZATION

A. Modified EPA Form 2C Submittal

☐ Yes, pursuant to 40 CFR 122.21, the applicant requests a waiver for completion of the modified EPA Form 2C and certifies that the operating facility will discharge treated stormwater only, unless waived in writing by the Department on a programmatic, categorical, or individual compound/chemical basis that chemical/compound additives are not used, and that there are no process, manufacturing, or other industrial operations or wastewaters, including but not limited to lime or cement production, synfuel operations, *etc.*, and that coal and coal products are not mined nor stored onsite.

☒ No, the applicant does not request a waiver and a complete modified EPA Form 2C is attached.

B. The applicant is required to supply the following information separately for every P or E outfall. If necessary, attach extra sheets. List expected average daily discharge flow rate in cfs and gpd, frequency of discharge in hours per day and days per month, average summer and winter temperature of discharge(s) in degrees centigrade (C), average pH in standard units, average daily discharge in pounds per day of BOD_5, Total Suspended Solids, Total Iron, Total Manganese, and Total Aluminum (if bauxite or bauxitic clay):

Outfall E/P	Information Source - # of Samples	Flow cfs	Flow gpd	Frequency hours/day	Frequency days/mth	Sum/Win Temp. °C	pH s.u.	BOD_5 lbs/day	TSS lbs/day	Tot Fe lbs/day	Tot Mn lbs/day	Tot Al lbs/day
034P	BPE	0.015	10k	Precipitation	Precipitation	26/7	7.00	0.03	1.7	0.025	0.008	0.0006
035P	BPE	0.032	21k	Precipitation	Precipitation	26/7	7.00	0.07	3.5	0.053	0.018	0.0006
036P	BPE	0.046	30k	Precipitation	Precipitation	26/7	7.00	0.10	5.0	0.074	0.025	0.0006
037P	BPE	0.029	19k	Precipitation	Precipitation	26/7	7.00	0.06	3.1	0.047	0.016	0.0006
038P	BPE	0.149	97k	Precipitation	Precipitation	26/7	7.00	0.32	16.1	0.242	0.081	0.0006

FEB 27 2013

C. The applicant is required to supply the following information separately for every P or E outfall. If necessary, attach extra sheets. Identify and list expected average daily discharge in pounds per day of any other pollutant(s) listed in EPA Form 2C, Item V – Intake And Effluent Characteristics, Parts A, B, & C that are not referenced in Part XV.B., that you know is present or have reason to believe could be present in the discharge(s) at levels of concern:

Outfall E/P	Reason Believed Present	Information Source - # of Samples									
			lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day

XVI. DISCHARGE STRUCTURE DESCRIPTION & POLLUTANT SOURCE

The applicant is required to supply outfall number(s) as it appears on the map(s) required by this application [if this application is for a modification to an existing permit do not change the numbering sequence of the permitted outfalls], describe each, (*e.g.*, pipe, spillway, channel, tunnel, conduit, well, discrete fissure, or container), and identify the origin of pollutants. The response must be precise for each outfall. If the discharge of pollutants from any outfall is the result of commingling of waste streams from different origins, each origin must be completely described.

Outfall	Discharge structure Description	Description of Origin Of pollutants	Surface Discharge	Groundwater Discharge	Wet Prep -Other Production Plant	Pumped or Controlled Discharge	Low Volume STP	Other
001E	Pipe	(3), (1)	X		X	X		
002E	Channel	(10)	X					
003E	Channel	(3)	X		X			
004P	Channel	(3)	X		X			
005E	Channel	(3)	X		X			
006E	Channel	(3)	X		X			
007E	Channel	(3)	X		X			
008E	Pipe and/or channel	(9)	X					
009E	Channel	(9)	X					
010E	Channel	(3), (1)	X			X		
011E	Channel	(3)	X					
012E	Channel	(9)	X					
013E	Channel	(3), (1)	X			X		
014E	Channel	(10), (1)	X					
015E	Channel	(1)	X			X		
016E	Channel	(9)	X					
017E	Channel	(1)	X			X		
018E	Channel	(9), (1)	X			X		
019E	Pipe and/or channel	(9)	X					
020E	Channel	(3)	X					
021E	Channel	(3)	X					
022P	Channel	(3)	X					
023E	Pipe and/or channel	(9)	X					
024E	Channel	(9)	X					
025P	Pipe and/or channel	(1), (10)	X			X		
026P	Pipe and/or channel	(1), (10)	X			X		
027P	Pipe and/or channel	(1), (10)	X			X		
028P	Pipe and/or channel	(1), (10)	X			X		
029P	Pipe and/or channel	(1), (10)	X			X		
030P	Pipe and/or channel	(1), (10)	X			X		
031P	Pipe and/or channel	(1), (10)	X			X		
032P	Pipe and/or channel	(1), (10)	X			X		
033P	Pipe and/or channel	(1)	X			X		
034P	Pipe and/or channel	(1), (3), (9) & (10)	X			X		
035P	Pipe and/or channel	(1), (3), (9) & (10)	X			X		
036P	Pipe and/or channel	(1), (3), (9) & (10)	X			X		
037P	Pipe and/or channel	(1), (3), (9) & (10)	X			X		
038P	Pipe and/or channel	(1), (3), (9) & (10)	X			X		

Origin of Pollutants – typical examples: **(1)** Discharge of drainage from the underground workings of an underground coal mine and occasional pumping, **(2)** Discharge of drainage from a coal surface mine, **(3)** Discharge of drainage from a coal preparation plant and associated areas, **(4)** Discharge of process wastewater from a gravel-washing plant, **(5)** Discharge of wastewater from an existing source coal preparation plant, **(6)** Discharge of drainage from a sand and gravel pit, **(7)** Pumped discharge from a limestone quarry, **(8)** Controlled surface mine drainage (pumped or siphoned), **(9)** Discharge of drainage from mine reclamation, **(10) Other**: control of disturbance around auxiliary areas.

COAL MINING AND/OR PREPARATION PLANT APPLICATION METALS, CYANIDE, AND TOTAL PHENOLS OUTFALL DATA

AL0026590	Jim Walter Resources, Inc., P.O. Box 133, Hwy 216, Brookwood, AL 35444, Phone: (205) 554-6150	Mine #4
016	6/19/2013	

Pollutant and CAS No. (if available)	Testing Required Existing Outfall	Believed Present Proposed Outfall	Believed Absent Proposed Outfall	Maximum Daily Value Conc.	Maximum Daily Value Mass	Maximum 30 Day Value (if available) Conc.	Maximum 30 Day Value Mass	Long Term Avg. Value (if available) Conc.	Long Term Avg. Value Mass	# of Analyses	Frequency of Discharge Days/Mth Hours/Day	EPA Approved Method	Minimum Level	[illegible]	[illegible]
[illegible]				BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				[illegible]	[illegible]					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	SM [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]

BMI - [illegible]

McGehee Engineering Corp collecting samples and performing analysis

Name of Permittee or [illegible] Collecting Samples And Performing Analysis

Jeffery H. Stacklin - Senior Environmental Engineer

Name & Title of Responsible Official

Signature

APR 04 2014

mcgehee engineering corp

Date Printed 10/23/2013

APR 04 2014

Client: Jim Walter Resources, Inc.
P.O. Box 133, Hwy 216
Brookwood, AL, 35444

Location: Mine No. 4
Description: 016
Sample Date: 6/19/2013
Sampled By: McGehee Engineering Corp (BY)

REPORT OF FINDINGS

Lab Id. d13062103-03

Parameter	Result	Minimum Level / Units	Method	Analysis Date	Analyst
Antimony, Dissolved	BML	1.92 µg/L	EPA 200.8	6/21/2013	BWK
Arsenic, Dissolved	BML	0.27 µg/L	EPA 200.8	6/21/2013	BWK
Beryllium, Dissolved	BML	2.2 µg/L	EPA 200.8	6/21/2013	BWK
Cadmium, Dissolved	BML	0.08 µg/L	EPA 200.8	6/21/2013	BWK
Chromium, Dissolved	BML	1.64 µg/L	EPA 200.8	6/21/2013	BWK
Copper, Dissolved	2.95	0.9 µg/L	EPA 200.8	6/21/2013	BWK
Lead, Dissolved	BML	0.31 µg/L	EPA 200.8	6/21/2013	BWK
Nickel, Dissolved	BML	6.86 µg/L	EPA 200.8	6/21/2013	BWK
Selenium, Total	BML	0.95 µg/L	EPA 200.8	6/21/2013	BWK
Silver, Dissolved	BML	0.15 µg/L	EPA 200.8	6/21/2013	BWK
Thallium, Dissolved	BML	0.08 µg/L	EPA 200.8	6/21/2013	BWK
Zinc, Dissolved	BML	12.01 µg/L	EPA 200.8	6/21/2013	BWK
Mercury, Total	BML	0.01 µg/L	EPA 245.2	7/5/2013	BWK
Cyanide, Total	BML	3 µg/L	SM4500 CN^- E	6/28/2013	KT
Phenols, Total	BML	6 µg/L	EPA 420.1	6/27/2013	KT
Flow	0.4371	CFS	EPA 5.1	6/19/2013	BY
Instream Hardness	443.82	mg/L as CaCO3	SM2340 B	7/5/2013	BWK

BML = Below Minimum Level

Jonathan Whitlock
Project Manager

Post Office Box 5431 • 150 19th Street West • Jasper, Alabama 35502-5431 • 205-221-0086 • Fax 205-221-7721 • staff@mcgehee.corp

COAL MINING AND/OR PREPARATION PLANT APPLICATION METALS, CYANIDE, AND TOTAL PHENOLS OUTFALL DATA

AL0026590	Jim Walter Resources, Inc., P.O. Box 133, Hwy 216, Brookwood, AL, 35444, Phone: (205) 554-6150	Mine #4
020	6/19/2013	[illegible]

[illegible]

POLLUTANT AND CAS NO. (if available)	TESTING REQUIRED EXISTING OUTFALL	BELIEVED PRESENT PROPOSED OUTFALL	BELIEVED ABSENT PROPOSED OUTFALL	MAXIMUM DAILY VALUE Conc.	MAXIMUM DAILY VALUE Mass	MAXIMUM 30 DAY VALUE (if available) Conc.	MAXIMUM 30 DAY VALUE Mass	LONG TERM AVRG. VALUE (if available) Conc.	LONG TERM AVRG. VALUE Mass	# Of Analyses	Frequency of Discharge/Days/Mo Hours/Day	Sufficient Test EPA Approved Method Analysis Used	Minimum Level	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]				BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			[illegible]	[illegible]					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			[illegible]	[illegible]					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					1	Precipitation Based	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BMI	NA					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]

[illegible]

BMI - Below Measurable [illegible]

McGehee Engineering Corp collecting samples and performing analysis

Name of Permittee and/or Company(s) Collecting Samples And Performing Analyses

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Jeffery H. Stricklin - Senior Environmental Engineer

Name & Title of Responsible Official

Signature

mcgehee engineering corp

Date Printed 10/23/2013

Client: Jim Walter Resources, Inc.
P.O. Box 133, Hwy 216
Brookwood, AL, 35444

APR 04 2014

Location: Mine No. 4
Description: 020
Sample Date: 6/19/2013
Sampled By: McGehee Engineering Corp (BY)

REPORT OF FINDINGS

Lab Id. d13062101-05

Parameter	Result	Minimum Level / Units	Method	Analysis Date	Analyst
Antimony, Dissolved	BML	1.92 µg/L	EPA 200.8	6/25/2013	BWK
Arsenic, Trivalent	BML	0.30 µg/L	EPA 200.8	6/25/2013	BWK
Beryllium, Dissolved	BML	2.2 µg/L	EPA 200.8	6/25/2013	BWK
Cadmium, Dissolved	BML	0.08 µg/L	EPA 200.8	6/25/2013	BWK
Chromium, Dissolved	BML	1.64 µg/L	EPA 200.8	6/25/2013	BWK
Copper, Dissolved	0.97	0.9 µg/L	EPA 200.8	6/25/2013	BWK
Lead, Dissolved	BML	0.31 µg/L	EPA 200.8	6/25/2013	BWK
Nickel, Dissolved	9.00	6.86 µg/L	EPA 200.8	6/25/2013	BWK
Selenium, Total	BML	0.95 µg/L	EPA 200.8	6/25/2013	BWK
Silver, Dissolved	BML	0.15 µg/L	EPA 200.8	6/25/2013	BWK
Thallium, Dissolved	BML	0.08 µg/L	EPA 200.8	6/25/2013	BWK
Zinc, Dissolved	BML	12.01 µg/L	EPA 200.8	6/25/2013	BWK
Mercury, Total	BML	0.01 µg/L	EPA 245.2	7/5/2013	BWK
Cyanide, Total	BML	3 µg/L	SM4500 CN^- E	6/28/2013	KT
Phenols, Total	BML	6 µg/L	EPA 420.1	6/27/2013	KT
Flow	0.357	CFS	EPA 5.1	6/19/2013	BY
Instream Hardness	551.00	mg/L as CaCO3	SM2340 B	7/5/2013	BWK

BML = Below Minimum Level

Jonathan Whitlock
Project Manager

Post Office Box 5131 • 450 19th Street West • Jasper, Alabama 35502-5131 • 205-221-0686 • Fax 205-221-7721 • staff@mcgehee.org

COAL MINING AND/OR PREPARATION PLANT APPLICATION METALS, CYANIDE, AND TOTAL PHENOLS OUTFALL DATA

AL0026590	Jim Walter Resources, Inc., P.O. Box 133, Hwy 216, Brookwood AL, 35444, Phone: (205) 554-6150	Mine #4
021	6/19/2013	[illegible]

[illegible]

POLLUTANT AND CAS NO. (if available)	TESTING REQUIRED EXISTING OUTFALL	BELIEVED PRESENT PROPOSED OUTFALL	BELIEVED ABSENT PROPOSED OUTFALL	MAXIMUM DAILY VALUE Concentration	MAXIMUM DAILY VALUE Mass	MAXIMUM 30 DAY VALUE (if available) Concentration	MAXIMUM 30 DAY VALUE (if available) Mass	LONG TERM AVRG. VALUE (if available) Concentration	LONG TERM AVRG. VALUE (if available) Mass	# Of Analyses	Frequency of Discharge Days/Mth Hours/Day	Test Method Approved Method Analysis Used	Minimum Level	Receiving Water	[illegible]
[illegible]	[illegible]			BML	N/A					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A						Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A						Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A						Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A						Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			[illegible]	[illegible]					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A					1	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A						Precipitation Based	SM [illegible] CN [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]			BML	N/A					[illegible]	Precipitation Based	EPA [illegible]	[illegible]	[illegible]	[illegible]

[illegible]

BML - [illegible]

McGehee Engineering Corp collecting samples and performing analysis.
Name of Person(s) and/or Company(ies) Collecting Samples And Performing Analysis

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Jeffery H. Stricklin - Senior Environmental Engineer
Name & Title of Responsible Official

[signature]
Signature

[illegible date]
Date

APR 04 [illegible]

mcgehee engineering corp

Date Printed 10/23/2013

APR 04 2014

Client: Jim Walter Resources, Inc.
P.O. Box 133, Hwy 216
Brookwood, AL, 35444

Location: Mine No. 4
Description: 021
Sample Date: 6/19/2013
Sampled By: McGehee Engineering Corp (BY)

REPORT OF FINDINGS

Lab Id. d13062001-02

Parameter	Result	Minimum Level / Units	Method	Analysis Date	Analyst
Antimony, Dissolved	BML	1.92 µg/L	EPA 200.8	6/20/2013	BWK
Arsenic, Trivalent	BML	0.30 µg/L	EPA 200.8	6/20/2013	BWK
Beryllium, Dissolved	BML	2.2 µg/L	EPA 200.8	6/20/2013	BWK
Cadmium, Dissolved	BML	0.08 µg/L	EPA 200.8	6/20/2013	BWK
Chromium, Dissolved	BML	1.64 µg/L	EPA 200.8	6/20/2013	BWK
Copper, Dissolved	BML	0.9 µg/L	EPA 200.8	6/20/2013	BWK
Lead, Dissolved	BML	0.31 µg/L	EPA 200.8	6/20/2013	BWK
Nickel, Dissolved	22.11	6.86 µg/L	EPA 200.8	6/20/2013	BWK
Selenium, Total	BML	0.95 µg/L	EPA 200.8	6/20/2013	BWK
Silver, Dissolved	BML	0.15 µg/L	EPA 200.8	6/20/2013	BWK
Thallium, Dissolved	BML	0.08 µg/L	EPA 200.8	6/20/2013	BWK
Zinc, Dissolved	BML	12.01 µg/L	EPA 200.8	6/20/2013	BWK
Mercury, Total	BML	0.01 µg/L	EPA 245.2	7/5/2013	BWK
Cyanide, Total	BML	3 µg/L	SM4500 CN^- E	6/28/2013	KT
Phenols, Total	BML	6 µg/L	EPA 420.1	6/27/2013	KT
Flow	0.2231	CFS	EPA 5.1	6/19/2013	BY
Instream Hardness	725.51	mg/L as CaCO3	SM2340 B	7/5/2013	BWK

BML = Below Minimum Level

Jonathan Whitlock
Project Manager

Post Office Box 5431 • 430 19th Street West • Jasper, Alabama 35502-5431 • 205-221-0686 • Fax 205-221-7721 • staff@mcgeheecorp

mcgehee engineering corp

Date Printed 9/17/2014

Client: Jim Walter Resources, Inc.
P.O. Box 133, Hwy 216
Brookwood, AL, 35444

Location: Mine No. 4
Description: BWR-2
Sample Date: 4/15/2013
Sampled By: Walter Minerals, Inc. (JL)

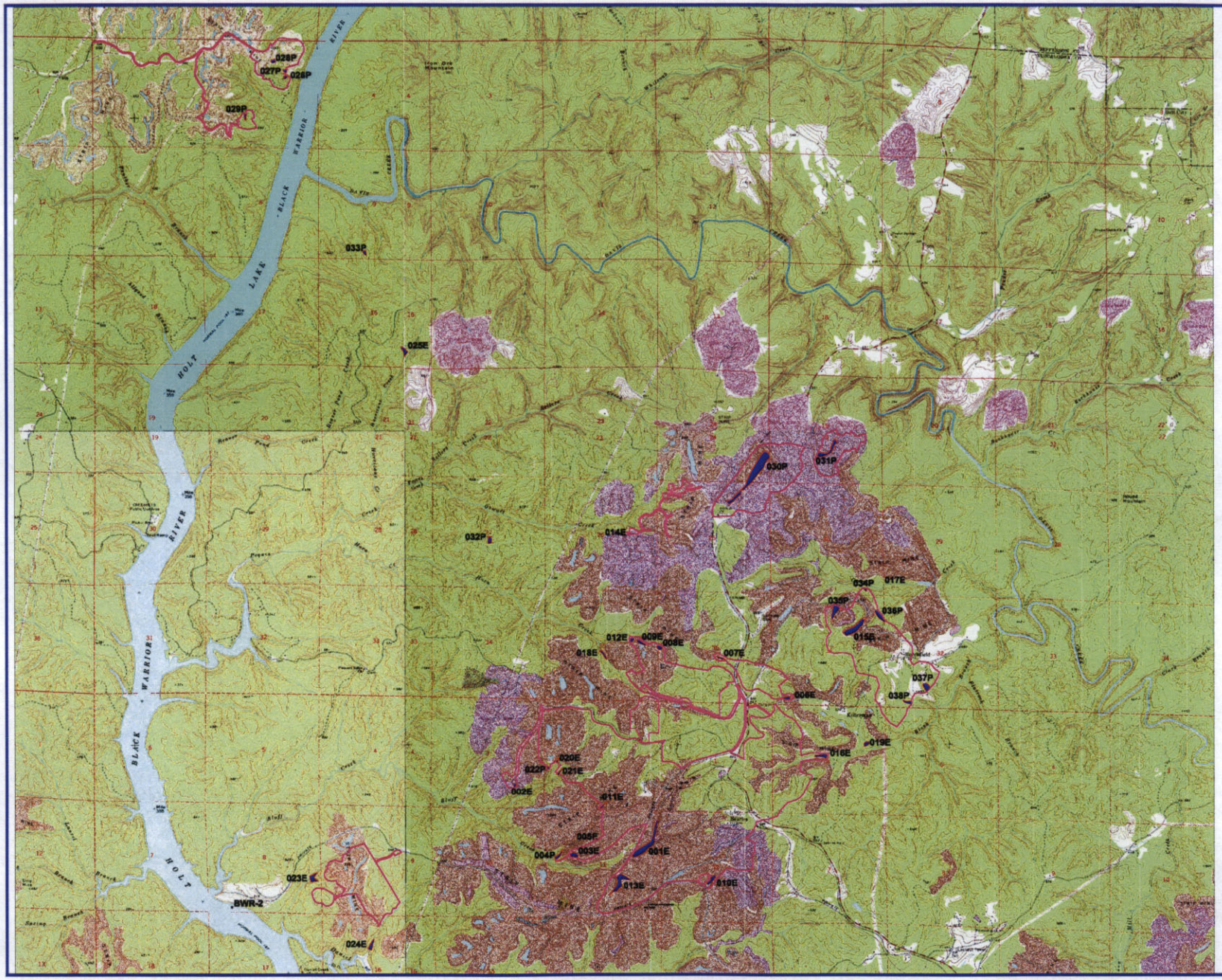
REPORT OF FINDINGS

Lab Id. d13041604-02

Parameter	Result	Method Detection Limits / Units	Method	Analysis Date	Analyst
Antimony, Dissolved	BML	0.6 µg/L	EPA 200.8	4/18/2013	BWK
Arsenic, Trivalent	BML	0.09 µg/L	EPA 200.8/HPLC	6/5/2013	BWK
Beryllium, Dissolved	BML	0.69 µg/L	EPA 200.8	4/18/2013	BWK
Cadmium, Dissolved	BML	0.03 µg/L	EPA 200.8	4/18/2013	BWK
Chromium, Dissolved	BML	0.52 µg/L	EPA 200.8	4/18/2013	BWK
Copper, Dissolved	1.09	0.28 µg/L	EPA 200.8	4/18/2013	BWK
Lead, Dissolved	BML	0.1 µg/L	EPA 200.8	4/18/2013	BWK
Nickel, Dissolved	BML	2.16 µg/L	EPA 200.8	4/18/2013	BWK
Selenium, Total	BML	0.3 µg/L	EPA 200.8	4/18/2013	BWK
Silver, Dissolved	BML	0.05 µg/L	EPA 200.8	4/18/2013	BWK
Thallium, Dissolved	BML	0.03 µg/L	EPA 200.8	4/18/2013	BWK
Zinc, Dissolved	BML	5.17 µg/L	EPA 200.8	4/18/2013	BWK
Mercury, Total	BML	0.003 µg/L	EPA 245.2	5/3/2013	BWK
Cyanide, Total	BML	1 µg/L	SM4500 CN^- E	5/3/2013	KT
Phenols, Total	BML	2 µg/L	EPA 420.1	5/1/2013	KT
Flow	River	CFS	EPA 5.1	4/15/2013	JL
Hardness, Total	77.05	mg/L as $CaCO_3$	SM 2340 B	4/18/2013	BWK

BML = Below Minimum Level

Jonathan Whitlock
Project Manager



mcgehee engineering corp
post office box 3431
jasper, alabama 35502-3431
telephone: (205) 221-0688 fax: 221-7721
email: staff@mcgehee.org

N
W E
S

Permit Boundary
Outfall

SECTIONS 5, 6, 9, 16, 24, 25, 26, 27, 35 & 36,
TOWNSHIP 19 SOUTH, RANGE 8 WEST,
SECTIONS 1, 2, 3, 8, 9, 11, 12 & 16,
TOWNSHIP 20 SOUTH, RANGE 8 WEST,
SECTION 4,
TOWNSHIP 20 SOUTH, RANGE 7 WEST,
SECTIONS 19, 29 & 31,
TOWNSHIP 19 SOUTH, RANGE 7 WEST,
TUSCALOOSA COUNTY, ALABAMA.
BASE MAPS: ABERNANT, BROOKWOOD, BUKCHFIELD STORE
AND LAKE NICOL U.S.G.S. QUADRANGLES
CONTOUR INTERVAL: 20 FT.

JIM WALTER RESOURCES, INC

MINE NO. 4
ASMC PERMIT NO.: P-3260

NPDES PERMIT MAP
AL0026590

FILE: MINE NO. 4	SCALE: 1" = 2000'	JOB NO.:
APPROVED BY: C.W.M.	DATE: 02/06/14	SHEET NO.: 1 OF 1

XVII. PROPOSED NEW OR INCREASED DISCHARGES

A. Pursuant to ADEM Admin. Code Chapter 335-6-10-.12(9), responses to the following questions must be provided by the applicant requesting NPDES permit coverage for new or expanded discharges of pollutant(s) to Tier 2 waters (except discharges eligible for coverage under general permits). As part of the permit application review process, the Department is required to consider, based on the applicant's demonstration, whether the proposed new or increased discharge to Tier 2 waters is necessary for important economic or social development in the area in which the waters are located.

☒ Yes. New/increased discharges of pollutant(s) or discharge locations to Tier 2 waters are proposed.

☐ No. New/increased discharges of pollutants(s) or discharge locations to Tier 2 waters are not proposed.

B. If "Yes," complete this Part (XVII.B.), Part XVIII, and XIX. **Attach additional sheets/documentation and supporting information as needed.**

(1) What environmental or public health problem will the discharge be correcting? None

(2) How much will the discharger be increasing employment (at its existing facility or as a result of locating a new facility)? None

(3) How much reduction in employment will the discharger be avoiding? Approximately 400 persons are currently employed at No. 4 mine

(4) How much additional state or local taxes will the discharger be paying?

No additional taxes will be paid as a result of this modification.

(5) What public service to the community will the discharger be providing?

Jim Walter Resources, Inc. provides low sulfur metallurgical coal to several steel producers consumers all over the world. Approximately 400 persons are employed at No. 4 mine and pay taxes in the area. JWR is involved in the Adopt-a-School program with Brookwood High School for 20 years. JWR is and has been a United Way supporter for the past 15 years. JWR has been a supporter of the Boy Scouts of America for the past 20 years. JWR provides scholarships to the University of Alabama. JWR is the main sponsor of the West Alabama Food Bank.

(6) What economic or social benefit will the discharger be providing to the community?

Jim Walter Resources, Inc. has been a major employer in Tuscaloosa County for the past 25 years. JWR presently employs 320 salaried employees and 1007 United Mine Workers at its three underground mines, Central Shop, Central Supply, Training Center and Central Mining Office. The presence of JWR in the Brookwood community has a tremendous economic effect. Local stores, restraints, banks and credit unions depend on JWR for a significant amount of their business. Also many of JWR's suppliers are in central Alabama.

XVIII. ALTERNATIVES ANALYSIS – ADEM Form 311 3/02

Pursuant to ADEM Admin. Code Chapter 335-6-10, an evaluation of the discharge alternatives identified below has been completed and the following conclusions were reached. All proposed new or expanded discharges of pollutant(s) covered by the Individual NPDES permitting program are subject to the provisions of the antidegradation policy. As part of the permit application review process, the Department is required to determine, based on the applicant's demonstration, that the proposed new or increased discharge to Tier 2 waters is necessary for important economic or social development in the area in which the waters are located. As a part of this demonstration, a registered professional engineer (PE) licensed to practice in the State of Alabama must complete an evaluation of the discharge alternatives, to include calculation of total annualized project costs (Item XIX) for each technically feasible alternative. Technically feasible alternatives with total annualized pollution control project costs that are less than 110% of the preferred alternative total annualized pollution control project costs for the Tier 2 new or increased discharge proposal are considered viable alternatives. **Supporting documentation is attached, referenced, or otherwise handled as appropriate.**

Alternative	Viable	Non-Viable	Reason/Rationale For Indicating Non-Viable
1) Treatment/Discharge Proposed In This Application	X		
2) Land Application		X	Not allowed by ASMC
3) Pretreatment/Discharge to POTW By SID Permit		X	POTW located 10 miles away
4) Relocation of Discharge		X	Topography does not allow this method
5) Reuse/Recycle – Pollution Prevention		X	No feasible location to recycle
6) Other Process/Treatment Alternatives		X	Settling, oxidation, surface discharge best treatment alternative
7) Underground Injection By UIC Permit		X	Topography & geology does not support this method
8) Other Project Specific Alternative(s) Identified By the Applicant Or The ADEM			None
9) Other Project Specific Alternative(s) Identified By the Applicant Or The ADEM			None

COMMENTS: _____

XIX. CALCULATION OF TOTAL ANNUALIZED PROJECT COSTS FOR PRIVATE SECTOR PROJECTS - ADEM Form 313 8/02
(ADEM Form 312 3/02 - Public Sector Project is available upon request)

This item must be completed for each technically feasible alternative evaluated in Item XVIII. **Copy, complete, and attach additional blocks/sheets and supporting information as needed.**

Capital Costs of pollution control project to be expended or financed by applicant (Supplied by applicant)	$ 1,900,000 (1)	* While actual payback schedules may differ across projects and companies, assume equal annual payments over a 10-year period for consistency in comparing projects.
Interest Rate for Financing (Expressed as a decimal)	0.10 (i)	
Time Period of Financing (Assume 10 years *)	10 years (n)	
Annualization Factor ** = $\frac{i}{(1+i)^{10}-1} + i$ i = Interest Rate	0.16275 (2)	** Or refer to Appendix B (application information) for calculated annualization factors.
Annualized Capital Cost [Calculate: (1) x (2)]	$ 309,225 (3)	
Annual Cost of Operation & Maintenance (including but not limited to monitoring, inspection, permitting fees, waste disposal charges, repair, administration & replacement) ***	$ 475,000 (4)	*** For recurring costs that occur less frequently than once a year, pro rate the cost over the relevant number of years (e.g., for pumps replaced once every three years, include one-third of the cost in each year).
Total Annual Cost of Pollution Control Project [(3) + (4)]	**$ 784,225 (5)**	

XXI. POLLUTION ABATEMENT PLAN (PAP) - APPENDIX A& B INFORMATION

Outfall(s):001-038

Y	N	N/A	
XX			Runoff from all areas of disturbance is controlled
XX			Drainage from pit area, stockpiles, and spoil areas directed to a sedimentation pond
	XX		Sedimentation basin at least 0.25 acre/feet for every acre of disturbed drainage
	XX		Sedimentation basin cleaned out when sediment accumulation is 60% of design capacity
XX			Trees, boulders, and other obstructions removed from pond during initial construction
XX			Width of top of dam greater than 12'
	XX		Side slopes of dam no steeper than 3:1
XX			Cutoff trench at least 8' wide
XX			Side slopes of cutoff trench no less than 1:1
XX			Cutoff trench located along the centerline of the dam
XX			Cutoff trench extends at least 2' into bedrock or impervious soil
XX			Cutoff trench filled with impervious material
XX			Embankments and cutoff trench 95% compaction standard proctor ASTM
XX			Embankment free of roots, tree debris, stones >6" diameter, etc.
XX			Embankment constructed in lifts no greater than 12"
XX			Spillpipe sized to carry peak flow from a one year storm event
XX			Spillpipe will not chemically react with effluent
XX			Subsurface withdrawal
XX			Anti-seep collars extend radially at least 2' from each joint in spillpipe
XX			Splashpad at the end of the spillpipe
XX			Emergency Spillway sized for peak flow from 25-yr 24-hr event if discharge not into PWS classified stream
	XX		Emergency spillway sized for peak flow from 50-yr 24-hr event if discharge is into PWS classified stream
XX			Emergency overflow at least 20' long
XX			Side slopes of emergency spillway no steeper than 2:1
	XX		Emergency spillway lined with riprap or concrete
XX			Minimum of 1.5' of freeboard between normal overflow and emergency overflow
XX			Minimum of 1.5' of freeboard between max. design flow of emergency spillway and top of dam
XX			All emergency overflows are sized to handle entire drainage area for ponds in series
XX			Dam stabilized with permanent vegetation
XX			Sustained grade of haul road <10%
XX			Maximum grade of haul road <15% for no more than 300'
XX			Outer slopes of haul road no steeper than 2:1
XX			Outer slopes of haul road vegetated or otherwise stabilized
		XX	Detail drawings supplied for all stream crossings
XX			Short-Term Stabilization/Grading And Temporary Vegetative Cover Plans
XX			Long-Term Stabilization/Grading And Permanent Reclamation or Water Quality Remediation Plans

X	The applicant has completed the surface water discharge alternatives analysis and has supporting documentation, including annualized costs for each technically feasible alternative available for review upon request

IDENTIFY AND PROVIDE DETAILED EXPLANATION FOR ANY "N" OR "N/A" RESPONSE(s):

Sediment Basins are designed to meet ASMC requirements.
Sediment Basins are cleaned out when the accumulated sediment reaches the specified sediment storage volume setforth
on the detailed design plans.
Upstream and downstream slopes of the dam are no less than 2.5H to 1V and are designed to provide stability with
a minimum static safety factor of 1.5. This design is determined using the actual tested strength characteristics of the
foundation and embankment material.
There is no discharge into PWS classified streams.
The emergency spillway is designed based on the anticipated flows, flow velocities, and whether the spillway is expected
to carry continuous, sustained flows. in the case of a primary spillway pipe, the secondary or emergency spillway may
be set at an elevation above the maximum anticipated peak flow elevation. in such a case, a vegetated emergency spillway
is adequate.
There are no stream crossings at this facility.
**All of the above deviations from ADEM guidelines are accepted design practices in accordance with Alabama
Surface Mining Commission (ASMC) Rules and Regulations.

Y	N	N/A	
X			PE Seal with License #
X			Name and Address of Operator
X			Legal Description of Facility
			General Information:
X			Name of Company
		X1	Number of Employees
X			Products to be Mined
		X1	Hours of Operation
X			Water Supply and Disposition
			Topographic Map:
X			Mine Location
X			Location of Prep Plant
X			Location of Treatment Basins
X			Location of Discharge Points
X			Location of Adjacent Streams
			1"- 500' or Equivalent Facility Map:
X			Drainage Patterns
X			Mining Details
X			All Roads, Structures Detailed
X			All Treatment Structures Detailed
			Detailed Design Diagrams:
X			Plan Views
X			Cross-section Views
X			Method of Diverting Runoff to Treatment Basins
			Narrative of Operations:
X			Raw Materials Defined
X			Processes Defined
X			Products Defined
			Schematic Diagram:
X			Points of Waste Origin
X			Collection System
X			Disposal System
			Post Treatment Quantity and Quality of Effluent:
X			Flow
X			Suspended Solids
X			Iron Concentration
X			PH
			Description of Waste Treatment Facility:
X			Pre-Treatment Measures
X			Recovery System
X			Expected Life of Treatment Basin
X			Schedule of Cleaning and/or abandonment
			Other:
X			Precipitation/Volume Calculations/Diagram Attached
X			BMP Plan for Haul Roads
X			Measures for Minimizing Impacts to Adjacent Stream i.e., Buffer Strips, Berms, etc.
X			Methods for Minimizing Nonpoint Source Discharges
X			Facility Closure Plans
		X2	PE Rationale(s) For Alternate Standards, Designs or Plans

IDENTIFY AND PROVIDE DETAILED EXPLANATION FOR ANY "N" OR "N/A" RESPONSE(s):

X1 – The number of employees and hours of operation will vary as the market demands.
X2 – No alternate standards, designs or plans are proposed.

XXII. INFORMATION

Contact the Department prior to submittal with any questions or to request acceptable alternate content/format. Be advised that you are not authorized to commence regulated activity until this application can be processed, publicly noticed, and approval to proceed is received in writing from the Department.

EPA Form(s) 1 and 2F need not be submitted unless specifically required by the Department. EPA Form(s) 2C and/or 2D are required to be submitted unless the applicant is eligible for a waiver and the Department grants a waiver.

Planned/proposed mining sites that are greater than 5 acres, that mine/process coal or metallic mineral/ore, or that have wet or chemical processing, must apply for and obtain coverage under and Individual NPDES Permit prior to commencement of any land disturbance. Such coverage may be requested via this ADEM Form 315.

The applicant is advised to contact:

(1) The Alabama Surface Mining Commission (ASMC) if coal, coal fines, coal refuse, or other coal related materials are mined, transloaded, processed, *etc.*;
(2) The Alabama Department of Industrial Relations (ADIR) if conducting non-coal mining operations;
(3) The Alabama Historical Commission for requirements related to any potential historic or culturally significant sites;
(4) The Alabama Department of Conservation and Natural Resources (ADCNR) for requirements related to potential presence of threatened/endangered species; and
(5) The US Army Corps of Engineers, Mobile or Nashville Districts, if this project could cause fill to be placed in federal waters or could interfere with navigation.

The Department must be in receipt of a completed version of this form, including any supporting documentation, and the appropriate processing fee (including Greenfield Fee and Biomonitoring & Toxicity Limits fee(s), if applicable), prior to development of a draft NPDES permit. Send the completed form, supporting documentation, and the appropriate fees to:

Water Division
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463
Phone: (334) 271-7823
Fax: (334) 279-3051
h2omail@adem.state.al.us
www.adem.alabama.gov

XXIII. PROFESSIONAL ENGINEER (PE) CERTIFICATION

A detailed, comprehensive Pollution Abatement/Prevention Plan (PAP) must be prepared, signed, and certified by a professional engineer (PE), registered in the State of Alabama as follows:

"I certify on behalf of the applicant, that I have completed an evaluation of discharge alternatives (Item XVIII) for any proposed new or increased discharges of pollutants to Tier 2 waters and reached the conclusions indicated. I certify under penalty of law that technical information and data contained in this application, and a comprehensive PAP Plan including any attached SPCC plan, maps, engineering designs, etc. acceptable to ADEM for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of ADEM Admin. Code Division 335-6, including Chapter 335-6-9 and Appendices A & B. If the PAP plan is properly implemented and maintained by the Permittee, discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other permit requirements. The applicant has been advised that appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices as detailed in the PAP plan must be fully implemented and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices, permit requirements, and other ADEM requirements to ensure protection of groundwater and surface water quality."

Address P. O. BOX 3431, JASPER, ALABAMA 35502 PE Registration # 17067

Name and Title (type or print) C. W. MCGEHEE, PRESIDENT Phone Number (205) 221-0686

Signature [signature] Date Signed 4-4-14

XXIV. RESPONSIBLE OFFICIAL SIGNATURE[1]

This application must be signed by a Responsible Official[1] of the applicant pursuant to ADEM Admin. Code Rule 335-6-6-.09 who has overall responsibility for the operation of the facility.

"I certify under penalty of law that this document, including technical information and data, the PAP plan, including any SPCC plan, maps, engineering designs, and all other attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the PE and other person or persons under my supervision who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

A comprehensive PAP Plan to prevent and minimize discharges of pollution to the maximum extent practicable has been prepared at my direction by a PE for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of ADEM Admin. Code Division 335-6, including Chapter 335-6-9 and Appendices A & B, and information contained in this application, including any attachments. I understand that regular inspections must be performed by, or under the direct supervision of, a PE and all appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices identified by the PE must be fully implemented prior to and concurrent with commencement of regulated activities and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices and ADEM requirements. I understand that the PAP plan must be fully implemented and regularly maintained so that discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other requirements to ensure protection of groundwater and surface water quality. I understand that failure to fully implement and regularly maintain required management practices for the protection of groundwater and surface water quality may subject the Permittee to appropriate enforcement action.

I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form.

I further certify that the discharges described in this application have been tested or evaluated for the presence of non-stormwater discharges and any non-mining associated beneficiation process pollutants and wastewaters have been fully identified."

Name (type or print) Richard A. Donnelly Official Title President

Signature [signature] Date Signed 4-2-14

[1] 335-6-6-.09 Signatories to Permit Applications and Reports

(1) The application for an NPDES permit shall be signed by a responsible official, as indicated below:

(a) In the case of a corporation, by a principal executive officer of at least the level of vice president, or a manager assigned or delegated in accordance with corporate procedures, with such delegation submitted in writing if required by the Department, who is responsible for manufacturing, production, or operating facilities and is authorized to make management decisions which govern the operation of the regulated facility;

(b) In the case of a partnership, by a general partner;

(c) In the case of a sole proprietorship, by the proprietor; or

(d) In the case of a municipal, state, federal, or other public entity by either a principal executive officer, or ranking elected official.

APR 04 2014

SPILL PREVENTION CONTROL AND COUNTERMEASURES PLAN

Prepared for:

Alabama Department of Environmental Management

Jim Walter Resources, Inc.

Mine No. 4

NPDES Permit Application

Prepared by:

MCGEHEE ENGINEERING CORP.
P. O. Box 3431
Jasper, Alabama 35502-3431
Telephone: (205) 221-0686
Fax: (205) 221-7721

Location:

Township(s), Range(s), Section(s) County(s) Tuscaloosa

T19S, R7W, SECTIONS 19, 29 & 31
T19S, R8W, SECTIONS 5, 6, 18, 24, 25, 26, 27, 35 & 36
T20S, R7W, SECTION 6
T20S, R8W, SECTIONS 1, 2, 3, 8, 9, 11, 12 & 16

As Found on the Windham Springs U.S.G.S. Quadrangle

Facility Phone Number:

(205) 554-6150

Facility Contact and Address:

Jeff Stricklin, 16243 Alabama Highway 216, Brookwood AL, 35444

1. This facility has experienced one spill from a containment dike. The spill occurred in October 1998 and was managed in accordance with ADEM regulations and the previous SPCC Plan.

2. The containment structures will be located in an area that is not subject to periodic flooding.

3. This plan provides for the containment of the following:

No. Of Tanks	Total Capacity	Material
1	29,000 gal	Diesel Fuel
1	500 gal	Gasoline
1	6,000 gal	Flocculant
1	6,000 gal	Frother
1	6,000 gal	Corex
1	8,000 gal	Oil
1	2,000 gal	Used Oil

The area around the tanks is enclosed by a dike, which exceeds the volume capacity of the largest tank in the bermed area by 10%.

4. The nearest surface water of the State is UT to Bluff Creek.

5. The dikes are constructed of impervious material around the tank area. There is a 2" minimum pipe with a manual gate valve, which allows rainwater discharge when it is needed. The valve remains closed at all times and is to be locked until the diked area collects enough rainwater to require draining. After an inspection of the water to determine if any pollutants are present, the valve is opened to allow the proper drainage, and then immediately closed again and re-locked. The containment system is located such that rainwater released through normal de-watering drains to a permitted treatment structure. If pollutants (oil) are present in the rainwater, the pollutants will be removed from the water prior to draining the water. Pollutants will be disposed of in accordance with existing State and Federal regulations. In addition, a log will be maintained which indicates the date when the containment structure was de-watered, the person conducting the de-watering, and a brief description of the water (i.e., oily sheen, clear, slightly turbid, oily smell, etc.).

6. If a spill should occur, the usable fuel oil within the diked area shall immediately be pumped into tanker trucks for transporting to another storage tank. Oil absorbent material will be kept available to contain any spills. The unusable fuel oil and the contaminated soil in the area will be excavated and disposed of in accordance with existing State and Federal regulations.

7. A written record shall be maintained by the Division Manager of any spill which occurs, and the actions taken to properly dispose of all spilled material and the cleanup procedures.

8. All unloading of transport vehicles to fill the tanks will meet minimum requirements and regulations established by the Department of Transportation. The tanks will be attended while filling to prevent overflow, and to note visible leaks from seams, gaskets, valves, etc. The Operations Manager of the facility will make periodic inspections of the unloading area to detect signs of minor spills. If spills are evident the contaminated soil will be disposed of in accordance with existing State and Federal regulations. If the spills continue, a paved unloading ramp equipped with an oil-water separator will be constructed.

9. All personnel who are in any way connected with unloading transport vehicles, use of fuel oil, maintenance of the facility, or responsible for storm water drainage and spill cleanup will be made familiar with this plan, and a copy of this plan will be posted and readily available to all personnel at the facility.

Potential Sources of Spills:

A. Tank or Tank Valve Rupture:

Prevention: Tanks, valves, and fittings will be properly maintained and kept in good condition. A visual inspection of all tanks, valves, and fittings will be conducted periodically for leaks, and tank foundations for cracks and unusual settling.

B. Tank Overfill:

Prevention: Truck drivers should follow correct operating procedures when unloading diesel fuel and stay with the equipment at all times during unloading operations. Key personnel will be present when fuel and/or other chemicals are delivered to assure that the delivery personnel follow proper procedures. Any spillage will be immediately cleaned-up or mitigated in accordance with this plan.

C. Hose Rupture During Unloading and Spillage from Hoses after Disconnection:

Prevention: Periodic 'inspections will be conducted of all hoses and replacement hoses will be kept at the facility office. In addition, personnel will use the proper hose drainage procedure.

10. Notification

In the event of a reportable quantity spill, immediately call:

The National Response Center
1-800-424-8802

The Alabama Emergency Management Agency
1-800-843-0699

Alabama Department of Environmental Management Field Operations
1400 Coliseum Boulevard Montgomery, Alabama 36110
Telephone Number: (334) 271-7700
After Hours Numbers (334) 242 4378, (334) 254-5054, (334) 254-5056

Report the following information:

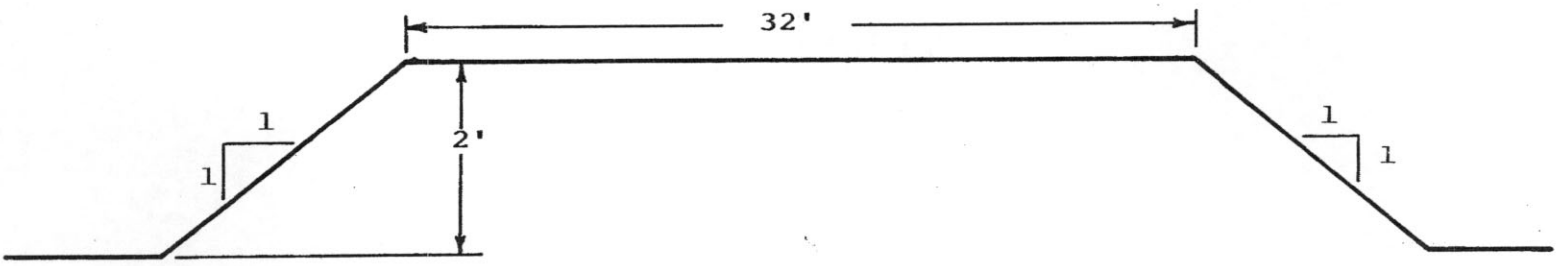
1. Name, address and telephone number of person reporting spill
2. Exact location of facility and spill
3. Company name, number and location
4. Material spilled
5. Estimated quantity
6. Source of spill
7. Cause of spill
8. Nearest downstream body of water to receive spill
9. Request actions to take for containment and cleanup

II. The facility will be kept gated and locked to prevent vandalism or theft whenever Jim Walter Resources, Inc. personnel are not present.

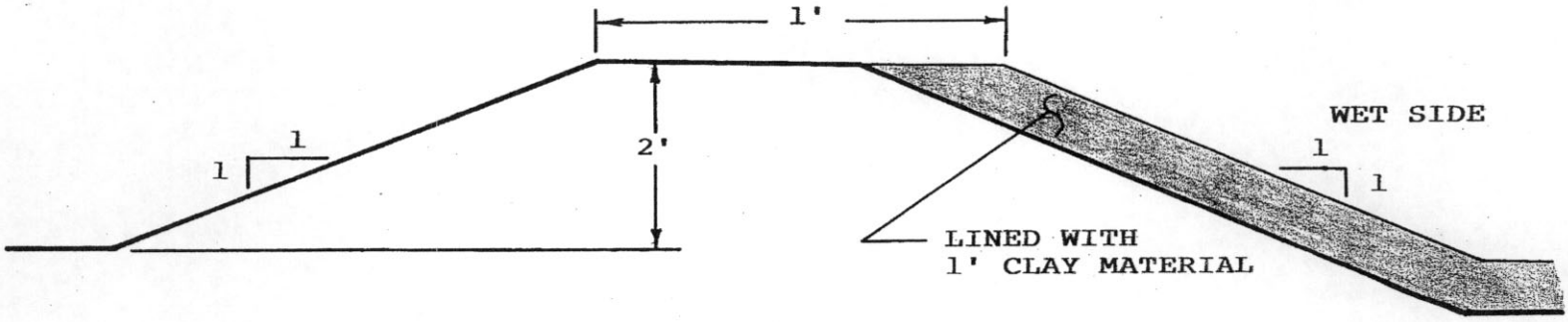
All key personnel will be fully trained in all aspects of this plan, the proper use of personal protective gear, and all reporting and record keeping procedures. All non-key personnel will be made familiar with the plan and will be instructed on personal safety.

BERM DESIGN
TYPICAL SECTIONS

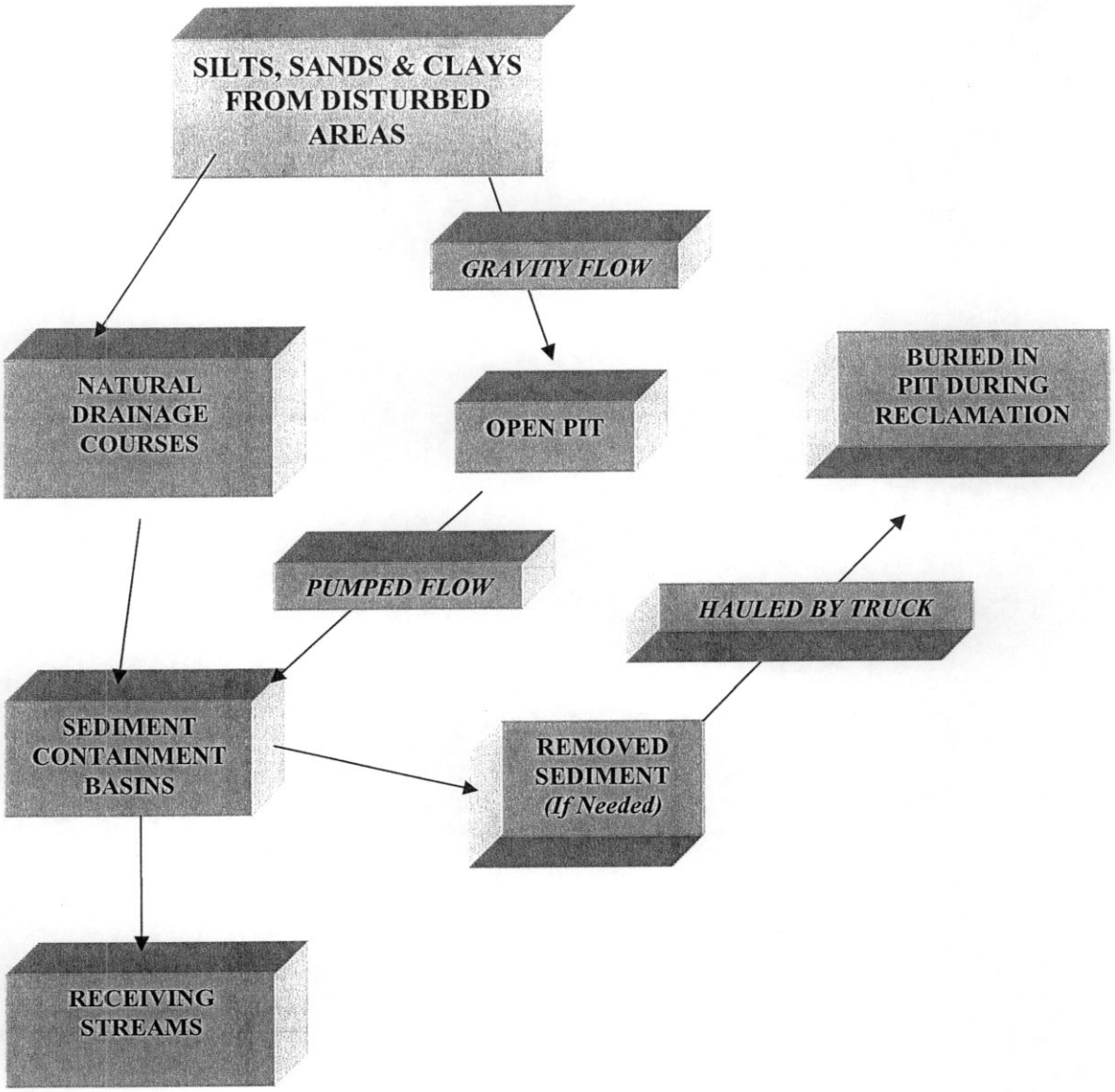
FRONT VIEW



SIDE VIEW

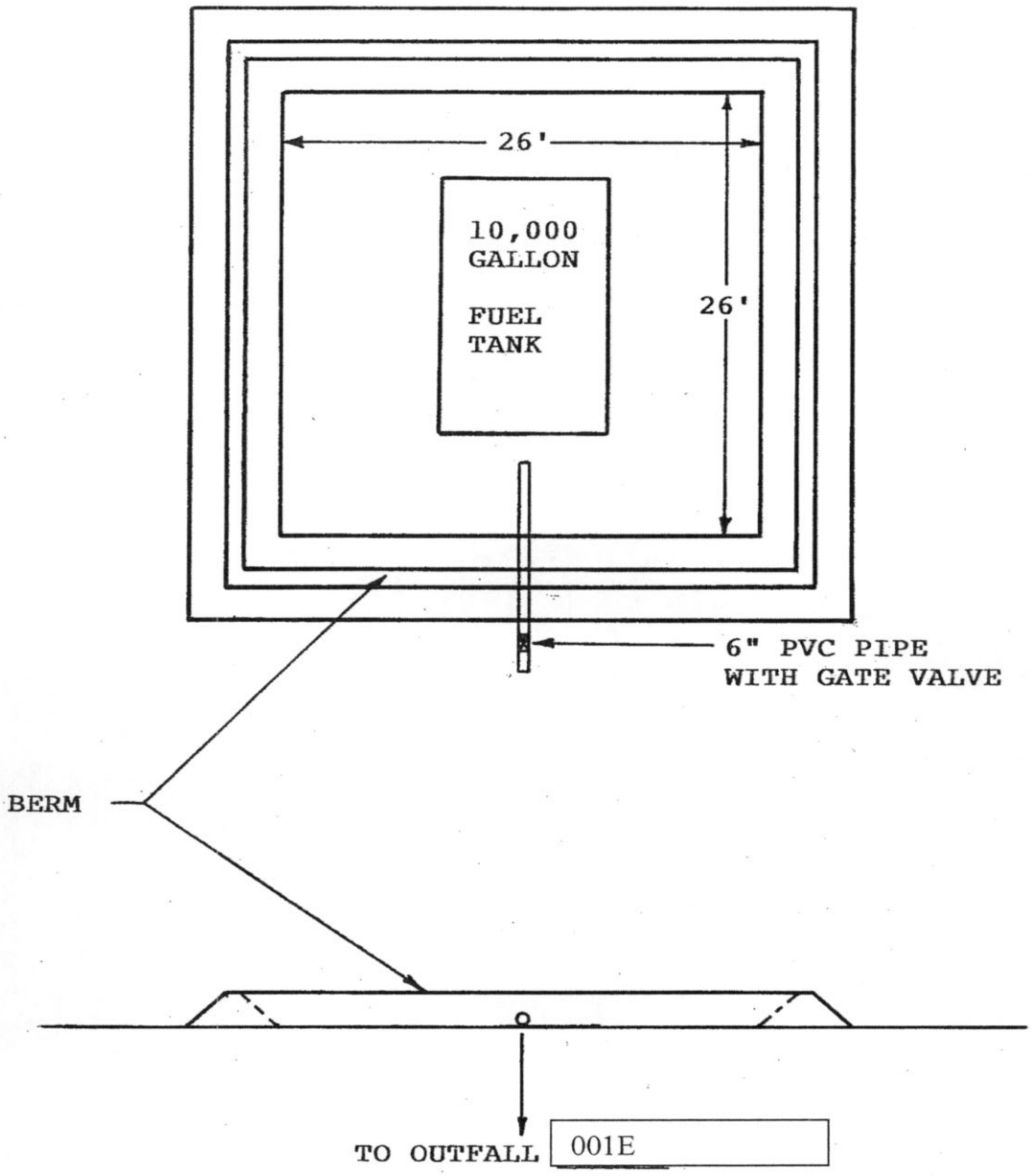


NOT TO SCALE

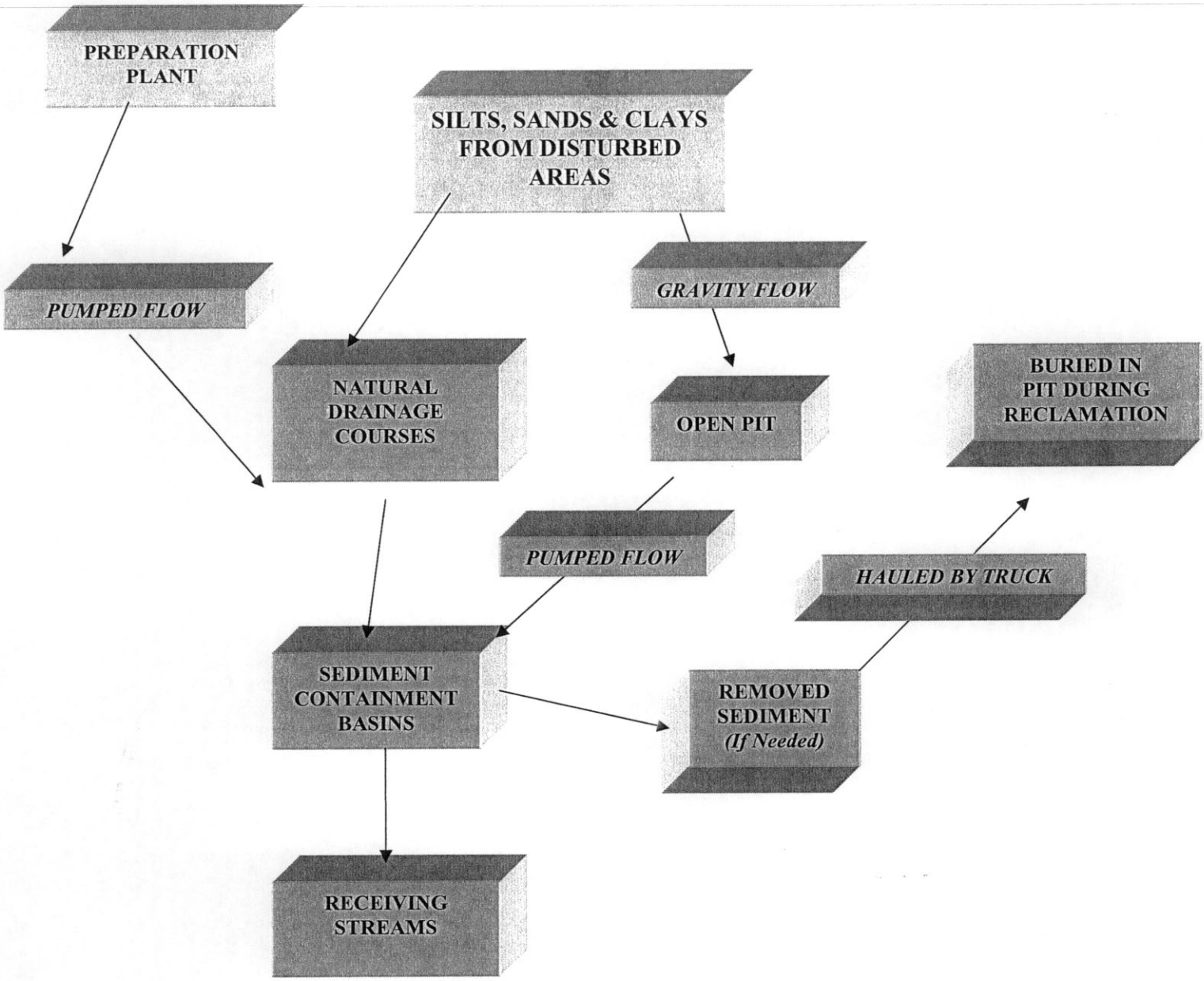


SCHEMATIC DIAGRAM OF WASTE CYCLE

TYPICAL BERM DETAIL



SCALE: 1" = 10'



SCHEMATIC DIAGRAM OF WASTE CYCLE

Jim Walter Resources, Inc.
16243 Highway 216
Post Office Box 133
Brookwood, Alabama 35444

www.walterenergy.com

March 3, 2014

Chase Gamble
Alabama Dept. of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463

$3360.00
R# 14-30945
C. Gamble

RE: Check for AL0026590 re-issuance

Dear Mr. Gamble:

Enclosed is a check to cover the remaining fee for re-issuing the NPDES permit for Jim Walter Resources, Inc. No. 4 Mine.

If there is any other information needed, please let me know.

Sincerely,

Jeffery H. Stricklin, PE
Sr. Environmental Engineer